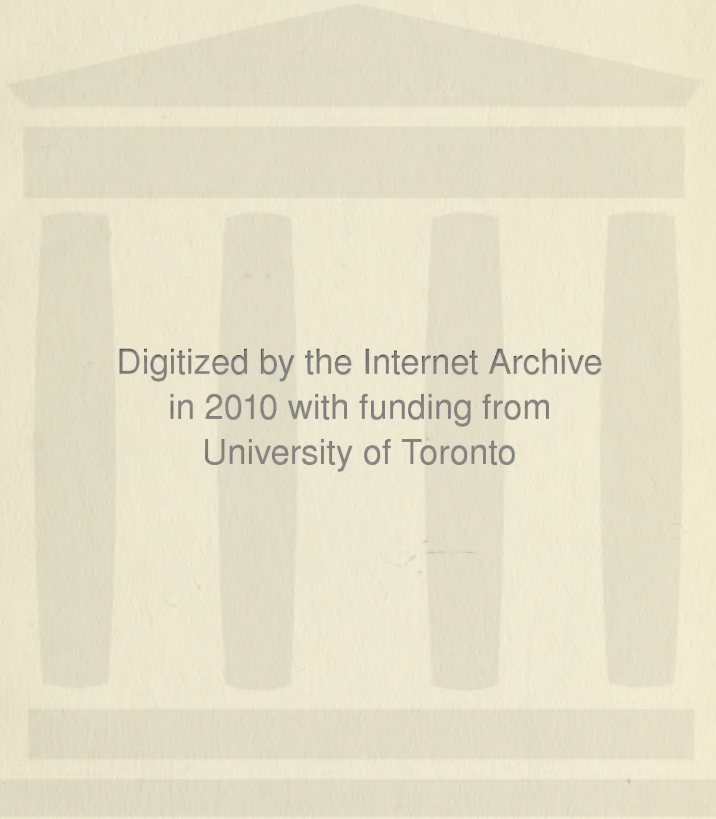




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FROM PHILO TO PLOTINUS

BY NORMAN BENTWICH, Cairo, Egypt.

NEO-PLATONISM was the final outcome of Hellenistic philosophy, and it represents in thought the fusion of peoples which characterized the cosmopolitan Graeco-Roman society. Its most distinguished exponent was Plotinus, a Hellenist Egyptian who taught in the third century C.E., but it flourished for 200 years after his time; and it was from this system that in the early Middle Ages philosophical thought made a fresh start among the Arabs. Jewish thinkers thus played an important part in the revival of metaphysics, and found in the last stage of Greek speculation ideas sympathetic to their religious outlook. It is instructive therefore to trace the Jewish elements which were contained in the original amalgam, and more especially to consider the influence on it of the one considerable Jewish Philosopher of the ancient world.

Philo-Judaeus, it is generally recognized, was one of the direct forerunners of neo-Platonism, which may be defined as the development of Plato's system in the light of Eastern religious ideas. He it was who in the first century of the common era made fruitful the religious seed which was latent in the Platonic teaching by combining with it Hebraic conceptions, just as he made fruitful the philosophical ideas implicit in Hebraic monotheism by his mastery of Hellenic philosophy. He fused

with the Platonic single impersonal 'Good', evolving itself in the multiplicity of the material world through the noetic spiritual 'Ideas', the Jewish personal God who creates all things by His will. Hence the saying which is handed down by Suidas and other scholars: ἡ Φίλων πλατωνίζει ἡ Πλάτων φιλωνίζει:—either Philo Platonizes or Plato Philonizes. The work of a great thinker lives afresh in each age; and Plato was, in the first century, recreated for the Greek world and still more for the non-Greek world by the interpretation of the Judeo-Hellenistic sage. More especially in his latest works, the *Timæus* and the *Laws*, Plato had realized that metaphysics, to influence mankind, must be transformed into theology, and that ethics must be established by reverence for God. For four centuries he had lacked adequate interpreters of this side of his teaching; he was a great theological and religious reformer as well as the founder of metaphysics and logic; but the heads of the school which derived from him were not fitted to develop his religious thought.

Philo, however, approached Greek philosophy as a whole, and Plato in particular, from a new standpoint, bringing to his studies an intense religious conviction that all things were the expression of the divine unity; and he sought to develop and confirm that conviction by a philosophical doctrine. It might have been expected that his work would be continued by a band of Alexandrian Jewish Hellenists sharing his religious outlook, but a combination of circumstances,—among which the rise of Christianity as a separate religious community, the destruction of the Jewish national centre in Palestine, and the attendant decay of the Jewish community of Alexandria

are the most important—prevented the Judeo-Hellenistic school from progressing beyond the point to which he carried it. He is the only original philosopher in that school: his Jewish predecessors and the religious apologists who followed him, merely combined their dogmatic creed with philosophical doctrines, directly borrowed and assumed without modification. He, alone, constructed a scheme which, though based mainly upon Greek elements, combined them in a new fashion so that they formed a new and organic whole. Nevertheless, though he lacks true successors, he stands at the head of a new development of Hellenistic thought. And two streams of philosophy may be traced running parallel through the next two centuries, both of which have their source in Philo: the stream of pagan neo-Platonism, and the stream of Christian Gnosis. They culminate at the same time, the one in Origen, the other in Plotinus.

Certain features of the development of these two doctrines are common to both. There is a growing tendency to make all teaching more rigid, more fixed, more prosaic, and more matter-of-fact. Although the substance of thought is not less vague and unscientific than it was with Philo, the form is entirely different, and less appropriate. He expressed his religious philosophy in poetical, suggestive, utterance; the later neo-Platonists and the Patristic philosophers endeavour to set it out in a dogmatic creed, and in pseudo-logical syllogism. From the beginning of the Christian era there was a remarkable decline of mental power of every kind throughout the Roman-Greek world. Creative imagination degenerated into crude fantasy: reason sank into playing with words. The lowering of the standard of thought

manifested itself most forcibly in the conception of God. Human reason could no longer conceive the world as the evolution of one noetic principle, and human imagination could not rise to the idea of a divine unity, who reigned alone with undivided sway. Hence, in the one school we have first a gnostic dualism, next a Trinity of first principles, and lastly a fantastic system of emanations; in the other a similar progress, which is, however, saved from the last stage, because the Church fixed its dogma once for all upon an unalterable foundation. The decline of mental power is shown also in the more complete dependence upon authorities, and the inability to combine them in a new synthesis. While the desire for harmonizing different systems of thought is stronger than ever, the method which the neo-Platonists employed was the subordination of diverse principles; and the method of the Church Fathers was to set out excerpts from the various Greek philosophers as evidence of their agreement with their religious dogmatism.

Another common feature of the post-Philonic philosophy is its engrossing interest in God and theology. The religious attitude is the only possible attitude of each and every school. It is partly a cause, and partly an effect, of this that Eastern teachers figure so prominently among the philosophical writers of the first three centuries of the common era. They possessed the more vivid sense of the divine government, and were better able to supply the popular demand for theological speculation. Even in the Stoic, which was the most rational of schools, Musonius and Epictetus in the second century imposed a certain amount of Eastern colour, and intensified the religious tendency.

The most distinguished of the Platonists of the first two centuries of the Christian era were Ammonius of Alexandria, who taught in Athens (c. 60-70 C.E.); his pupil, Plutarch of Thebes in Greece; Albinus (f. 150 C.E.), probably a Jew who taught in the school of Smyrna; Maximus of Tyre, Numenius of Apamea, certainly a Jew, and Atticus, possibly so, who belong to the reign of Marcus Aurelius. It is notable that almost all of them are of Eastern origin. Of Ammonius of Alexandria we have no record: but his disciple, Plutarch, has left an abundant collection of philosophical as well as of historical works, and from them we can infer the character of the Platonism he had imbibed. Its leading feature is the mixture of Greek with foreign ideas. In the decay of original and independent speculation the thinkers of the time endeavoured to reach some kind of certainty by comparing the ancient authorities of different peoples and syncretizing their results. It is the more probable, therefore, that the Alexandrian teacher Ammonius, who must have known Philo's works, carried something of his influence to his school at Athens, and it is significant that Plutarch exhibits a remarkable interest in the nature of the Jewish God and Jewish religious observances. Among the *Quaestiones Conviviales* he includes studies of the likeness between Jehovah and Dionysus, of the relation between the Jewish Sabbath and Bacchic rites, and of the reasons for which the Jews abstained from eating pork.

Plutarch is less a philosopher than a scholarly priest, aiming not so much at the discovery of truth as the re-establishment of the Greek national religion of Delphi, to which philosophy is brought as a support by allegorical interpretation. But the Delphian religion was to be univer-

salized just as the philosophical Judaism of Philo was to be universalized. The parallel between the chief Jewish and the chief Greek Platonist of the first century both as regards their general attitude to philosophy and their special philosophical doctrine, is striking and instructive. Both alike seek a catholic unity of faith by a philosophical interpretation of their own national religion; but while Plutarch syncretizes all other conceptions of the deity, e.g. in the treatises 'On the E at Delphi' and 'On Isis and Osiris', Philo endeavoured to surpass them, and insisted on the special Jewish conception of God. Both again anticipate the Scholastics, in the sense that they subordinate philosophy to a fixed religious conception of reality. Both insist upon a spiritual conception of the Deity and of the soul, and are in direct hostility with the Stoic school, whose atheism and pride they attack. Both in accordance with this attitude reject the dialectical and eclectic tendencies of the Academic school, as it had developed from the third to the first century B.C.E., and, returning to the original works of Plato for their guide, draw out from them their religious teaching. Both finally advance intuition as the true cognitive faculty, and crown their teaching with mysticism.

The general correspondence is supported by a number of similarities in their detailed ideas, more especially in that part of philosophy which was to both of supreme importance, i.e. their theology. Plutarch conceives the chief God in his essence to be beyond mortal comprehension; we only know *that* He is: not *what* He is.¹ In his treatise upon the E at Delphi he argues that the holy letter really stands

¹ Plut. 391 F.

for the word *Eî* (Thou Art), and is the appellation of the ineffable and unknowable God. 'Neither number therefore nor order, nor conjunction does the letter seem to indicate. But it is an address and appellation of the God complete in itself, which, as soon as the word is uttered, sets the speaker thinking of the power of the God. "Being" is His true and unerring and solely appropriate name. We ought to say of God, He is, and is in relation to no time, but in relation to eternity the timeless and changeless, in which is neither before nor after, nor future nor past, nor elder nor younger. But being One He has filled the Ever with the one Now.' But while God in essence is timeless, changeless, unknowable, He reveals Himself by different effluences in the universe.² The different aspects of Dionysus are analogous to the Powers or 'Ideas' of Philo. Plutarch recognizes also a supreme cosmic power. 'God in His unity cannot create the world, because He cannot be the subject of any change, but it is fitting for some other God or rather a demon appointed to rule over perishable things to do this and undergo this condition.' In his religious veneration for Dionysus, Plutarch asserts the unity of the Godhead; but, as was natural to a thinker who started from polytheism, he was willing to hypostatise the divine powers, and thus he foreshadows more completely than Philo the later developments of neo-Platonism. Plutarch sometimes calls the chief power the *λόγος* or *νοῦς*,³ and represents its function as the production of harmony from discord, like that of the *Λόγος τομεύς* (the dividing Logos) in Philo.⁴ Coming nearer to Philo's language, he suggests the attributes which the Jewish thinker applied to the creative Word

² *De E.* 9.

³ *De Is.* 49.

⁴ *Ibid.* 55.

in a passage where he justifies the deification of the crocodile, because it is tongueless, and therefore an imitation of God: 'For the divine Logos also needs no voice, and proceeds noiselessly to rule mortal things with justice.'⁵ With this we may compare Philo's interpretation of the voice at the revelation at Sinai, that it was the Divine Presence itself which exalted the multitude.^{5a} Again, like Philo, Plutarch regards the Platonic Ideas in two aspects, or rather he imagines paradeigmatic ideas and moving forces in material things derived from them: ἀπόρροιαί, ὁμοιότητες, εἶδη, λόγοι, whose operation can be expressed by the image of the seal stamping wax.⁶ So far Plutarch's theory of Being is akin to Philo's. But it exhibits a striking divergence in its explanation of matter and evil. Failing to interpret the world throughout in an idealistic way, the Greek thinker deliberately adopts a dualistic view. There are two antagonistic powers in the government of the universe, the good and evil God, Mind and Matter. This is a fundamental part of his Platonism, and he derives it confidently from the teaching in the *Laws* of Plato about the evil world-soul.⁷ But although he finds superficial Platonic authority for his crude solution, Plutarch shows himself rather a follower of the neo-Pythagorean teaching, which exaggerated the dualistic elements to be found in Plato's works into a coarser theory of reality. Parallel with the dualism of Plutarch (viewed as a cosmological theory) is the gnosticism of the early Christian Church, represented most soberly by Basilides and Valentinus. They are parallel results of the same spirit,

⁵ *De Is.* 75.

^{5a} *De Decalog.* 11.

⁶ *De Is.* 53-4.

⁷ *De Is.* 45; *Plat.* 4.

and represent the growing obscurantism that was infecting speculation.

Plutarch's general outlook upon the universe is represented in the other incipient neo-Platonists who fill in the interval between Philo and Plotinus. They all profess the belief in one supreme transcendental God, who is so far exalted above the world and mankind as to be incomprehensible. He is associated with Plato's *τὰγαθόν*, or the Idea of the Good, which they interpret literally as 'beyond Being' (*ἐπέκεινα τῆς οὐσίας*). Between this barren principle and the world they are compelled to place intermediate beings; some endeavour to establish a scientific theology, based upon a logical ordering of the various divine agencies mentioned in Plato's Dialogues; others again are content to fill in the intermediate steps more vaguely and develop Plato's demonology. Typical of this class is Maximus Tyrius, who is not so much a philosopher as a philosophical rhetorician, and is the more instructive as an index of the religious ideas of the period, just because he makes no attempt at a scientific system, and aims only at setting out neatly accepted notions. One of his dissertations deals with the nature of Plato's God, and another with demons.⁸ He declares that while all nations differ about their gods, yet they agree in recognizing one supreme God, who is the father of all; and this is the God whom Plato has established; but he does not mention his name because it is unknowable. Beneath the one God come the orders of demons, *διαδοχὴ καὶ τάξις ἀρχῆς καταβαίνουσα ἐκ τοῦ Θεοῦ μέχρι γῆς*. As imagination narrowed, the interval between God and man had to be definitely graded. If man could

⁸ Cp. Taylor's *Translation of the Dissertations*, Nos. 2-7.

not reach God, he should reverence his offspring, the stars and demons.⁹

The other class of incipient Neo-Platonists who endeavoured to establish an exact theology, and in the form of their work are more philosophical, elaborate a division of the Godhead, which reaches its fullest statement in Plotinus, but is well defined before his time. Numenius of Apamea is the most distinguished representative of this class; and it has been often suggested that he was a Hellenistic Jew.¹⁰ His name was not uncommon among the Jews and is found as early as the first book of the Maccabees (12. 1, 16 and

⁹ In passing a curious parallel may be noted between Maximus Tyrius and Maimonides, which may be due to some Arabic neo-Platonist, intermediate between the Pagan and the Jewish philosopher. In his first dissertation on 'What God is according to Plato', Maximus expounds his theory of divine emanation, which produces not only thirty thousand gods but a multitude of divine essences innumerable. And then he continues thus: 'Conceive a mighty empire and powerful kingdom in which all things voluntarily assent to the best and most honourable of Kings. But let the boundary of this empire be . . . heaven and earth: . . . while the mighty King himself, seated immovably, imparts to the obedient the safety which he contains in himself. The associates of this empire are many visible and many invisible gods, some of them encircling the vestibules as messengers of a nature most allied to the King, his servants, and the associates of his table; but others subservient to them, and again others possessing a still more subordinate nature.' Now Maimonides at the conclusion of his *Guide to the Perplexed* (Bk. III, ch. li) uses the same image to describe God's providence over all things and the different gradations of the human recognition of God. He pictures a king in his palace with his subjects partly in the city, partly without it. Of those in the city some turned their backs on his palace: others turned towards it. And of these some entered and walked in the vestibules and some actually reached the inner court where the king was seated. Maimonides thus applies to the degrees of human approach towards God the simile which Maximus used for the degrees of emanation from God.

¹⁰ Cp. Siegfried, *Philo als Ausleger des A. T.*, 277, 402, and Nicolas, 'Études sur Philon' in *Revue de l'Histoire des Religions*, VII, 769.

15. 15). Apamea, too, was a famous Jewish centre in Syria, and on its coins of the second century the name of Noah and a design of the Ark have been found. Numenius then, if not a Jew himself, must have been influenced by Jewish teaching and have been in contact with Jewish Hellenists. He may be credited also, without doubt, with knowledge of Philo's writings, and he shows how Philo's doctrines were transformed by less refined minds. Origen¹¹ mentions that he often introduced verses from the works of Moses and the prophets in support of his philosophy, and allegorized them with ingenuity; and he quotes examples from his works on Numbers and on Space. Eusebius¹² gives like testimony, and preserves a fragment in which Numenius states his philosophical method thus: 'We should go back to the actual writings of Plato and combine them with the doctrine of Pythagoras, and call in to confirm them the beliefs of the cultured races. That is, we should compare their holy books and laws and bring to the support of Plato the harmonious ideas that are to be found among the Brahmans, the Jews, and the Magi.' It may be that the tradition which ascribed to Numenius the authorship of the two sayings¹³—*ἡ Πλάτων φιλωνίζει ἡ Φίλων πλατωνίζει*: and *τί ἐστι Πλάτων ἡ Μωύσης ἀττικίζων* ('What is Plato but Moses speaking Attic Greek?') is erroneous; but it seems clear from the other notices of his work that he enlarged upon the agreement between the Bible and Greek philosophy, and this conception he must have derived from Philo-Judaeus.

The few fragments of his work which are extant exhibit

¹¹ *c. Celsum* IV, 51.

¹² *Praep. Ev.* IX, 411 c.

¹³ Clemens, *Strom.*, I, 130, and Euseb., *op. cit.*, XI, 10.

several correspondences with the Philonic interpretation of the Bible; e.g. he praises the verse in the first chapter of Genesis, 'The spirit of God was upon the waters,' because water represents the primal matter, which was filled with the spirit of God.¹⁴ His theology, however, shows a striking descent from the monotheistic Platonism of Philo. With him the division of the Godhead into an unknowable Being, who is the first Unity, and an active Creator who is derived from him, a division that the Christian commentators foisted on Philo, is fully and dogmatically accomplished. The strong infusion of Pythagorean ideas which appears in Numenius, as in all the later neo-Platonists, led him to carry the division one step further, and find in the Godhead the holy triad, which exercised a potent fascination during the period.¹⁵ 'The first God being in himself is simple, because being united throughout with himself, he can never be divided. God, however, the Second and Third is one; by being associated with matter, which is duality, he makes it one, but is himself divided by it.' The first God, who is the abstract impersonal Monas of Pythagorean speculation, is free from all manner of work; and the second God, who is the Creator, governing and travelling through the Cosmos, is conceived in two aspects: (1) in his divine exaltation; (2) in his creative operation; and each aspect is treated as a separate hypostasis. 'He is the self-maker of his own Idea, and he makes the world as its creator.' In this confused speculation, anticipating the mediaeval scholastic's argumentation, we see a mystical development of an idea found in Philo that the Logos is at once the *ἰδέα ἰδεῶν*, and

¹⁴ Cp. Porphyry, *Antrum Nympharum*, ch. 10; Philo, *De M. Op.* 11.

¹⁵ Fragment in Euseb., *op. cit.*, XI, 537 ff.

also the sum of forces which pervade the universe. The different attributes of the Hebraic God become the different powers of Alexandrian-Jewish speculation, the different hypostases of Syrian Platonism. Numenius converted Philo's poetry into dogma, and his fragments show how an unimaginative mind in an unintellectual era debased Platonism in adapting it to the less exalted religious needs of his day. The Eastern Platonists of the second century were led away by impersonal conceptions of the Godhead to divide it. And as Maximus remarked,¹⁶ thinking, perhaps, of the contemporary interpretations of Plato, the vagueness of the poets was better than ἡ παρησία τῶν νεωτέρων about the divine nature, the bold cocksureness of the new philosophers.

Numenius was the founder of the Syrian school of Platonism, which through Porphyry was merged in the third century with the school of Alexandria. His works, according to Porphyry,¹⁷ were constantly studied in the school of Plotinus. Amelius, one of the disciples, is said to have known all of them almost by heart. The deduction of a Platonic Trinity from the *Timaeus* did not, however, pass without challenge. Atticus, who was his contemporary, championed a truer Unitarian Platonism, and on the strength of this was claimed by the Church fathers as a witness of Plato's agreement with Jewish monotheism. Proclus mentions him as a neo-Pythagorean philosopher, and attacks him for identifying the τὰγαθόν of the *Timaeus* with the Δημιουργός (Creator), and thus combining the Creator with the supreme unity. 'But in Plato,' he says with perverse accuracy, 'the Creator is called good but

¹⁶ Discourse on 'Whether poets or philosophers have spoken more truly'.

¹⁷ *Life of Plotinus*, 3 and 14.

not *the* good, and Mind, too, is good, but the Good is the cause of all being and above the rest.' We know nothing of the personal history of Atticus, and no ancient writer suggests that he was a Jew. But he upheld in all its strictness the monotheistic principle, which must have been induced to some extent by Jewish influences, and he marked a religious reaction against the syncretic and eclectic tendencies which combined Aristotelian with Platonic ideas. His works were dissertations praising Plato and upbraiding Aristotle for their respective agreement and disagreement with the religious standpoint which makes knowledge of the one God the supreme Good.¹⁸ Upon each part of philosophy he pointed out the fallacies (as he thought) of the one Greek philosopher, the truths of the other; and the argument is throughout one which might have been adopted by a faithful Jew. Thus Plato ascribes all to the divine providence or soul of the universe, Aristotle makes the divine sphere terminate at the moon, and severs the ruler of the universe from the divine government. Plato says the soul is incorporeal and immortal: Aristotle all but reduces the soul to a nullity (*μικρὸν δεῖν μηδὲν ἀποφῆναι τὴν ψυχὴν*), representing it as neither altogether body nor incorporeal. Plato unites the *νοῦς* and the *ψυχή*: Aristotle divides them and attaches immortality only to the *νοῦς*, and this amounts to a denial of a personal after-life. Plato maintains that the world was created: Aristotle regards it as eternal.

Atticus reveals that the question of creation was already a subject of dispute in the school, but he vehemently maintains his interpretation of Plato's teaching as to the

¹⁸ Cp. Euseb., *op. cit.*, 509 a.

origin of the world by direct creation.¹⁹ 'We pray that at this point we may not be opposed by those of our own household who choose to think that according to Plato also the world is uncreated. For they are bound in justice to pardon us if on reference to Plato's opinions we believe what he himself being a Greek has discoursed to us Greeks in clear language. "For God," says he, (*Timaeus* 30 A), "having formed the whole visible world not at rest but moving in an irregular and disorderly manner, brought it out of disorder into order, because He thought that this was altogether better than the other"'. Atticus goes on to argue that the world though created may be imperishable if God so wills it. 'For there is no stronger bond for the preservation of things so created than the will of God. Nor is there any cause from without acting in antagonism with God.' Maimonides would have found a valuable ally for his controversy against the Aristotelian doctrine of the eternity of the world, had he known of the argument of Atticus. In another striking passage Atticus²⁰ contrasts the religious sympathies of Plato's theory of ideas with Aristotle's rationalistic rejection of it. The argument reads like an expansion of certain passages in Philo's writings, modified by the controversial religious zeal of the writer: 'The very main-spring and central point of the Platonic system,' he says, 'the order of noetic existences, has been rejected and trodden down and utterly scorned by Aristotle. For there is nothing of Plato left, if you take away these primal ruling notions. By this conception he most clearly excels all other thinkers. Imagining God to be the father, creator, lord, and protector of all things, and inferring from ex-

¹⁹ *Ibid.*, 801 ff. Gifford's translation.

²⁰ *Ibid.*, 814; cp. Philo, *de Mundi Op.* 4.

perience that the artist must first conceive in mind what he is about to produce, and then with regard to the mental idea proceed to their likeness in concrete things—in this fashion he established the thoughts of God as prior to material things, the incorporeal noetic models of creation and subordinate causes of all particular things. But Aristotle, not being able to perceive that what is great and divine and noble in things requires a power of the like nature to bring it into being, puts complete confidence in his own subtle analytical power, which, while it was able to pierce earthly things and give adequate knowledge of them, did not allow him to acquire a vision of the true reality.’

Atticus illustrates a stage in the religious development of philosophy, which is still more intensified in the Patristic writers who were his contemporaries. For him monotheism is the touchstone of philosophical doctrines. By the Church fathers the ideas of the Greek thinkers are weighed in the balance of Biblical teaching: they are no longer valued according to their intrinsic or rational excellence, but only according to the closeness of their agreement with revealed truth. Philo's allegories belong to a different stage of thought, when the religious mind is so attracted by foreign philosophy that it endeavours to read it into the holy book. But in the second century the religious schools of the Christian fathers no longer admitted Greek philosophy to be of the same rank of truth as the Bible. It was accepted as corroborative evidence, rather than as a profounder meaning of the religious doctrine. The Jewish-Hellenistic school of Alexandria, of which we know no later exponent than Philo, passed insensibly into the Christian Catechetical school which was first founded in the Egyptian capital at the end of the

second century; and Philo passed out of the tradition of his own people to become the guide and teacher of a sect which departed further and further from the Jewish monotheism. The religious ideas of the Alexandrian Church fathers prevented them from maintaining the Philonic attitude either towards God or towards Platonism. They started with a fixed and unalterable belief in the division of the Godhead, and in a recent revelation of perfect truth. There was no question of finding beneath the words of the New Testament a profounder philosophy than they bore on their surface. For the words were themselves the language of the moral philosophers of the day, and in the eyes of the Christians a higher wisdom than any utterance of the Greek genius. Christianity, in the words of Eusebius,²¹ was 'neither Hellenism nor Judaism, but a new and truer kind of divine philosophy'. Athenagoras, Clement, and Origen, therefore, do not seek, as Philo had sought, from Plato a science which should complement revealed truth, but only evidence of their own doctrines, to confirm their preconceived dogmatic position. At the same time they accept Philo's position about the Pentateuch that it is the depository of philosophical doctrines, and they extend his allegorical method to the prophets and Psalms. Philo may be said to bear to them the relation which Aristotle had to the mediaeval Scholastics; he is the master of method. But while they accept his teaching almost as a gospel, reproduce large sections of it in their own commentaries, borrow his style of composition, and follow his method implicitly, yet their spirit and their attitude are radically different. They regard Greek philosophy, and more especially Platonism, as

²¹ *Op. cit.*, 16 d.

an imperfect image of wisdom, reflecting more or less clearly the doctrines of their religion, and largely derived, in so far as it is valid, from knowledge of the Hebrew scriptures. They revive and elaborate the charges of plagiarism invented by the Jewish apologists of the first century B.C.E., and tacitly dropped by Philo. In a curiously naïf passage Clement²² claims that the Jews were the first people to speculate philosophically about the nature of reality, and the Greeks were their pupils, as is proved among other reasons by the fact that the doctrine of ideas which Philo had expounded in his allegories on Genesis was the prototype of Plato's idealism. Philosophy and revealed religion belonged to different grades of truth, and the one was only useful to compare with the other. For missionary purposes it was desirable to be able to show that the two were consistent. But none of the Patristic writers make any attempt to construct a religious philosophy in the sense which Philo had given to it. They have no special theory of the soul, of knowledge, or of ethics; their philosophy is almost exclusively theology, and in addition their philosophical is entirely subordinate to their dogmatic theology. Clement appropriately names his work *Στρωματεῖς* (patchwork), for it is a miscellany pure and simple, a collection of detached fragments of Greek works which tend towards monotheism. He openly professes himself an eclectic.²³ 'I call philosophy not the Platonic or the Aristotelian or the Stoic, but the eclectic system of all the true doctrines proclaimed by each of these schools, the whole of those which teach righteousness along with pious knowledge.' The attitude which he and Origen take up is more liberal than that of Tatian and

²² Cp. Clemens, *Strom.* I, 2.

²³ *Ibid.* i. 37.

Tertullian, who regarded Greek philosophy as the invention of the devil, and the marriage-gift of the fallen angels to the daughters of men; but they feel bound to take account of that attitude. Philosophy, they urge apologetically, is a worthy recreation, an aid to faith; like the stolen fire of Prometheus, it may be fanned into flame by the divine impulse, but at the same time it is the gift of the inferior angels, and much of it is Hebrew wisdom corrupted.²⁴ Clement was a Platonist with strict limitations; and Origen in his controversy with the pagan Celsus began the open battle between reason and faith which was for centuries to destroy the independence of philosophy and break the continuity of civilization. Philo brought to the interpretation of the Greek philosophers a principle which was philosophical: his religious successors came to it with an outlook upon life which was not commensurate with philosophy. Professor Bigg, the historian of the Christian Platonists, points the contrast: 'In Philo's scheme knowledge was more than faith, and vicarious suffering has no meaning: such words as Atonement and Mediator could not mean to the Jewish Platonist what they meant to the Christian.' In other words, dogma supplanted reason as the standard of truth in the Christian school.

In the Patristic theology, however, we find a close correspondence with the ideas of Philo as they had been developed in the Syrian School of the second century. The primal unity is the 'Unconditional One', 'deified Zero', as Dr. Hort called it.²⁵ We know not what He is,' says Clement, 'but only what He is not: He is infinite, without limit, form and name; and if we name Him we do so

²⁴ *Ibid.* I, 17; VIII, 1; V, *passim*.

²⁵ Introd. to Clem. *Strom.*, bk. VII.

improperly.'²⁶ He is ἐπέκεινα τοῦ ἐνὸς καὶ ὑπὲρ αὐτὴν μονάδα.²⁷ The God whom we know is His son, the Logos, who is identified with Christ. All the attributes which Philo attached to his poetical Logos belong to it in its Christian guise, but with the difference that the Logos is now definitely a separate person; and Origen²⁸ explicitly declares he is not *insubstantivum*, to distinguish him from the Jewish Logos. He is the name and House of God, His consciousness, living wisdom, activity, light, and image, the High Priest, Melchizedek. He, in his turn, is connected with the world through his ἐπίνοιαι, which correspond with the creative and executive δυνάμεις (powers) of Philo; and these again constitute a third hypostasis, the 'Holy Spirit'.

In this way the theology of Hellenistic-Jewish monotheism was made to do service for Christian Trinitarianism. It needed only a change of spirit. The theological doctrines of Clement and Origen are still nearer the theology of the school of Plotinus than the doctrines of Numenius; and if we knew more of the history of the Christian school at Alexandria during the second century, we could say with greater certainty how much the one influenced the other. The Christian and Pagan schools were indeed in conscious antagonism during the third century, and that doubtless is the reason why Philo, the guide of the Christians, is not mentioned by any of the pupils of Plotinus. But, as we have seen, the works of the Syrian Platonist, Numenius, which on their face reveal the influence of Philo, were regularly read and commented upon in the school of Plotinus. Moreover, the father of the Pagan school and the master to whom Plotinus

²⁶ *Strom.* V, II.

²⁷ *Paedagogus*, I, 8.

²⁸ *De Principiis*, I, 2.

ascribes the root of his system, Ammonius Saccas, was himself originally a Christian; and we are told that Origen was his pupil. The inference may be drawn from these facts that Jewish-Christian and Pagan philosophy at Alexandria during the second century to a large extent grew up together, and that there was no violent barrier between them. Differences of outlook, differences of method doubtless there were, but none the less the schools had much in common and sources which they shared. Foremost among those common sources was the religious Platonism of Philo: and in the ultimate development of ancient philosophy those teachings of the Jewish sage, albeit in a distorted form, played an important part. Hence, when in the Middle Ages the Jewish philosophers of Spain absorbed into their thought large elements of neo-Platonism, they were in part receiving back what had been derived from an earlier fusion of Jewish and external culture.

FORMULARIES OF DECREES AND DOCUMENTS FROM A GAONIC COURT

By V. APTOWITZER, Israelitisch-theologische Lehranstalt,
Vienna.

THESE formularies, ten in number, which are published here for the first time, are, with regard to contents, form, and name, partly altogether unknown, partly, but very little known. Highly interesting as they are on account of their descent from a Gaonic court, and indeed, as their language shows, from early Gaonic days, a still greater importance attaches to them because of their contents, especially for the history of Gaonic jurisprudence which is shrouded in obscurity. Moreover, they throw light on communal organization in Babylonia during the Gaonic period, of which we know almost nothing.

These formularies have been found by me in the manuscript ספר האסופות, cod. Montefiore 115. As far as I know, Halberstam, who was formerly the owner of this manuscript, is the only scholar who has taken notice of them, in his introduction to הלכות ראו, ed. Schlossberg, p. iv, end, but only in a casual and cursory manner, failing at the same time to perceive their importance. According to Halberstam's notice, the same formularies are also found in a manuscript צידה לדרך, which, however, is not accessible to me.

The source from which the compiler of the *Asufot*

derived the formularies is not indicated. But after Formulary No. VII follows on fol. 148 a-149 a an exposition of **טירפא שומא אדרכתא** together with the formularies for those documents, identical with the exposition and the formularies in the Responsum *Sha'are-Sedek*, 86 a-87 a, and thus it is perhaps not too venturesome to assume that also the others, or at least the formularies immediately preceding, I-VII, were contained in that Responsum which was much larger originally.

The author of this Responsum is R. Natronai, as indicated in *Sha'are Sedek* and *Ittur*, I, 18 d.

The Formularies I-VII are located in the manuscript, fol. 147 b-148 b above, IX and X are on fol. 137 b below-137 d below, VIII is found on p. 136 a. I have arranged the groups of the manuscript according to the development of the cases.

In the Formularies I-IV and VIII reference is made to the head of the academy (**רי"ש מתיבתא**) and the court of the academy (**בבא דמתיבתא**), V and VI are addressed in the same way as III and IV, while in VII the Gaon is addressed (**לפקוד נאון**). Thus it is at once obvious that I-VIII come from a Gaonic court. In IX, X, on the other hand, such palpable signs of identification are missing, and only their language makes certain their Gaonic origin.

As to the author of the *Asufot*, he was very probably a pupil of R. Eleazar ben Judah of Worms, the author of the **רוקה**, whom he always designates as his teacher (**מורי**). In view of the fact that with the exception of R. Eleazar he names none other of the very numerous authors as his teacher, it follows that the constantly recurring **מורי** in the very frequent quotations from R. Eleazar is not a mere title of honour, as Gross, *Magazin*, X, 66, assumes.

I am indebted to the liberality of Dr. Hirschfeld, of London, and to the good offices of Dr. Poznański, of Warsaw, for the opportunity which was afforded me to study the MS. in Vienna.

שטרי רבי דינא דבבא דמתיבתא

I. קבע זימנא

1 פל ריש מתיבתא לרב פל בן ה' פל ולה' פל בן ה' פל חביבי ויקירי שלם. מהודענא לבון הדין קבע זימנא. עיינו במילי דבין פל תובע לפל נתבע וטרחו בקצתהון עד דסלקין לשלמא, אי דסלקי לשלמא מוטב, ואי לא איקבעוהי זימנא לפל נתבע דייתי וישמע קדמנא בבא 5 דמתיבתא בקצי פל בעיל דיניה לכל אימת [רבעי] הדין פל תובע, ואתרו ביה כאורח דינא, ואי מדחי לא תשנחון ביה. וכמה דאיפשר טירחו דליפסקון מיליהון לשלמא תמן על ידיכון, ולא ליצטערון למיתא לקדמנא לבבא דמתיבתא. ופירשו תיובתא לקדמנא בחתימות 9 ידיכון. ושלמא דשמיא ליהוי עליכון.

II. תיובתא

1 יתקרי לקדם רבנא [מ]ספרי בבא דמרנא ריש מתיבתא, נטרוהי מן שמיא, להודעא קדמוהי. שלמא רבה ומר[ח] מנותא מן שמיא ליהוי עליה דמרנא ועל זרעיה ועל רבנן ספרי ואמוראי ושלוחי ישראל ושמועיה דשמעי בבביה דמרנא, דמן שמיא ליגברוה למזליה דמרנא 5 לעילא לעילא ויסלקון מניה צערי וייסורי ולאוספא ליה חיי ולשמועא לצלותיה ולעבדין ליה רעותיה. מהודעיננא דאקבעיניה לפל בר פל למיתייא למישמע דינא בבביה דמרנא בקצי פל בעיל דיניה ליום פל דהוא אַנך לירח פל שנת כך וכך, ואתרינן ביה כאורח דינא. ופרשינן תיובתא לקמיה מרנא בחותמות ידנא, דמן שמיא יוכינן לשמועי קמיה 10 מרנא בירושלם עיר הקדש בשמחה.

III. פתיחה

1 פל בר פל ריש מתיבתא לרבנא ודייני וראשי כנישתא (ובי בני)
 [ובני בי] כנישתא וסופרי ופרנסי ופלחין חרי ומקרי דרדקי דכל אתר
 חביבי ויקירי שלם. מהודעינא לכו דספרי בבא אמרו קרמא דגברא
 חד דשמיא פל בר פל איתקבע [ליה] זימנא למיתיין משמע דינא
 5 דבבבא דמתיבתא בקצי פל בעיל דיניה ליום פל דהוא אנך לירח פל,
 ואתא פל תובע ושמיע בבבא דמתיבתא זימנין, והוא פל נתבע לא
 אתא ולא אתחזי כל עיקר. ובין דחזינא כן פקידנא ושמותי יתיה על
 בבא דמתיבתא וכתבו עליה פתיחה דנן לשמותי יתיה בכל אתר.
 כען בזמן דפתיחה הרין ימטא לוותכון ואף אנתון שמותי יתיה בכל
 10 יום תמיד ואכריזו עליה דאיניש לא יאכול ולא ישתה בקצותיה.
 ומתחבר ליה ושאל בשלמיה וקאים בד אמות ידיה וחזי ליה ולא
 פריש מיניה יתא חשוב כוותיה בשמתיה, לבר מאן דלא ידע. וכל
 כנישתא דחזיא ליה פתיחה דנן תשמית ביה לאלתר. ופתיחה דנן
 14 כתיב ביום פל דהוא אנך לירח פל שנת כך וכך לברי עולם.

IV. אחרמא

1 לרבנא ודייני וראשי כנישתא (ובי בני) [ובני בי] כנישתא וסופרי
 (ופורסי) ופרנסי ופלחין חרי ומקרי דרדקי דכל אתר חביבי ויקירי
 שלם. מהודעינא לכו דפל בר פל תובע הנפק לקרמא פתיחה דהוא
 פקידנא וכתבו על פל נתבע על דאיתקבע [ליה] זימנא וחליף זימניה
 5 ליה ואתא ואישתמת בפתיחה תלתין יומין. ובין דחזינא דאשתמית
 ליה ההוא פל תלתין יומין וטפי ולא קביל דינא ולא תבע שמתיה ולא
 פייסיה לבעל דיניה פקידנא ואחרימו יתיה על בבא דמתיבתא וכתבו
 עליה אחרמא דא לאחרמא יתיה בכל אתר. כען בזמן דאחרמא
 דא (ד)ימטי לוותכון אף אנתון אחרימו יתיה ואכריזו עליה דפתו פת
 10 כותים ויינו יין נסך ופירותיו טבלים וספריו ספרי קוסמים, וקעצו חומיה
 ועקרו מזוזתיה ולא תיקרון בניה בבי כנישתא ולא תמלון בי[ה] עלותא

ולא תמהלון ליה ינוקא ולא תקברון ליה שכבא ולא תעלון יתיה
 לחבורת מצוה ולא לחבורת הרישות וניזדותי וניזפוחי מביניכון ולא
 תסבון מנינה ולא תסבין ליה ויטופו כסא בתריה והבדילוהו מעדת
 15 הנולה ונהנו בו מנהג גוים, וכל כנישתא דחזיא ליה לאחרמתא דא
 [ו]לא מיטמתא ומחרמא תידכר קינטא בנפשיה, ואחרמתא[דא כתיבא]
 ביום פל וכך בירה פל דהוא אנך שנת כך וכך לבריא עולם.

V. אדרכתא

1 לרבננא ודייני וכו'. מהודעיננא לבון דספרי בבא אמרו קדמנא דפל
 בר פל הנפק לקדמנא פתיחא [ואחרמתא], ופקידנא וקרו יתהון, וקרא
 זימניהון ביום פל, וחזינא דאישתמת ליה ההוא פל ואיתחרם ליה
 האידנא כמה ירחי ולא הדר ביה ולא קמפייס לבעל דיניה. וכיון
 5 דחזינא דלא קביל עליה דינא דרבנן ועבר על כל אוריייתא, דכת על
 פי התורה אשר יוריד ועל המשפט אשר יאמרו לך תעשה לא תסור
 מן הדבר אשר יגידו לך ימין ושמאל, פקידנא וכתבו עליה אדרכתא
 דא. ואשליטנא יתיה לפל תובע דנן על כל ממון וניכסין דאית ליה
 לפל דנן נתבע תחות כל שמיא בביתא ובברא מקרקעי ומטלטלי
 10 לזבינא ולאונורא ולמיטבנא ולמעבר בהון כל דיצבי ואיש לא ימחה
 בידו, מחמת דאנן יהיבנא ליה רשות לזבוני ניכסיה עד דישתלם ויתפרע
 חוב דיליה עד נמירא. וכל בר ישראל דחזי ליה לאדרכתא אית ליה
 רשותא למיזל אסחודי קמי אומות העולם על מאן דבעי למיתן לפל
 דנן זוזי עד נמירא, ולא ליחוש למידי. ואדרכתא דא כתובה בכך
 15 בשבת וכך לירה פל וכך לבריא עולם.

VI. אקלתא

1 לרבננא ודייני וכו'. מהודעיננא לבון דמן קמי האידנא הוה פקידנא
 וכתבו פתיחא דאיתפסיק ביה דינא ולא קביל ולא שלים ממונא דאחייב
 למתן ליה לבעל חוב דיליה, והשתא אתא ליה וקביל דיניה ופייסיה

לבעל דיניה פלג, ובעיניה לפתיחא מן פל תובע, ואמר דלא אתחזי
 5 ליה לוותי. ופקידנא ואחילו ליה שמתא לפל דגן וכתבו ליה אקלתא
 דא על פתיחא. כען בזמן דאקלתא דא ימטי לוחכון אף אתון אחילו
 לפל דגן לאלתר, וכל הויא דנפיק ההוא [פתיחא] דאיתכתיב על פל
 דגן קירעוהי ולא תשנחון ביה, ואחילו ליה שמתיה, דאנחנא פקידנא
 9 ואחילו ליה. ואקלתא דא כתובה בכך בשבת בכך לירח וכו.

VII. פתקא דלטותא

1 לרבנא ודייני וכו. מהודעיננא לבון דס(י)פרי בבא אמרו קדמנא
 דפל בר פל תבעיה בדינא קדמנא לפל בר פל. והכין (ו)אמר פל דגן
 תובע דאית לי לות פל דגן כך וכך ממון מן בבא פל וקתבענא ליה
 זימנא ובתר זימנא ולא קיהיב לך, ואמרנא ליה לנתבע מה אמרתה
 5 ואמר לית לי לותי מידעם. ואמרנא ליה לתובע אית לך דאיייה,
 ואמר אית לי אינשי (כי) דשייכי למילן וקא חיישין לנלווי למילתא,
 לפקוד גאון ולכתוב פתקא דלטותא על מאן ומאן פל דאית ליה
 לותי[ת] ועל כל (ריבע) [דידע] ולא אתא מגלי. וחזינא דכרין תבע,
 ופקידנא וכתבו פתקא דלטותא דגן למילט ושמותי ביה תלתין יומין.
 10 תהא רעוא על כל מאן דאית ליה לותיה כך וכך וקא כפר ליה ועל
 כל מאן דידע במילתא ולא אתא מגלי יהא בשמתא דיטך, ארור יהיה
 מפי עליונים ותחתונים ובענלא תהא מפלתי, גופיה יתלע ברימה
 ותוליעת, דינא רבא יתעביר ביה מבית דינא עילאה דהוא מריה [בית
 דינא תחתאה], יתקיים עליה קרא דבת אל יתעוהו לנצה וגו', תהא
 15 נבילתיה משגרא למיכל לעופא דשמיא ולבעירא דארעא ולית דמניד,
 ליהו לוטיה לבושיה ויעלון כמיא וכמישחא בגרמיה, ומאן דאיתפרע
 מאנשי דור המבול ומדור הפלגה ומן מצרים ומן רשיעיא קדמאי
 ומגולגלי הוא יתפרע מיניה, תבריה יהא בענלא. וכל כנישתא דחזיא
 ליה לפתקא דלוטא (ישחמית) [תשמית] ביה לאלתר. ופתקא דלוטא
 20 דגן כתובה ביום פל וכו.

VIII. שמוש בית דין

1 לרבנא וראשי וכו'. מהודענא לבון דפל בר פל אתא קדמנא לבבא
 דמתיבתא ליום פל דהוא אנך לירח פל, וכר מטא זמן דיליה אתא
 נתבע ויטויט בבבא דמתיבתא זימניה בחרי זימנין, וההוא פל תובע
 [לא] אתא ולא דיניה ולא אתחזי כל עיקר. וכיון דחוינא כן פקידנא
 5 וכתבו לנתבע ליה שמוש בית דין דלית ליה רשותא לפל תובע
 לאטרוחי[ה] לבי דינא עד מיישלם תלתין יומין. ושמוש בית דין דנן
 כתוב ביום פל דהוא אנך לירח פל.

IX. שטר אפטרופא

1 סהדותא דהות באנפ[נ]א כו. דפל בת פל אלמנת פל אתת לקדמותנא
 לבי דינא והכי אמרת, דפל בעלי שכיב וחיי לרבנן ולכל ישר שבק
 ואית ליה ממון עילוי אינשי, וצריכין יתמי למוזני, וקתבענא בעלי חובות
 למיתן לי מה דאית לי עליהון, ואמרין לי לימנו בך אפוטרופוס ליתמי
 5 דעבדינן חושבנא בהדיה ויהבינן מה דאית להו עלן, הישתא ליעיינו בך
 ורבנן ולימנו להון אפוטרופא ליתמי, דמישטעי בהדי אינשי וזכי להון
 ליתמי וקאים בצרכיהון ומהנפק להון אוזינקא ודינא. ועיינא אנחנא
 ורבנן דהוו יתבי קדמנא בבי דינא ואסכימנן ומיניניה לפל בר פלני
 באפוטרופא דיתמי דפל נית נפשיה, ושאלין עליה ואמרו דגברא
 10 מעליא הוא ועשיר ומישפעין ניכסיה ומהימן ותריין ושמע דינא ולא
 קביל עליה שמו(ע)תא דרבנן ומרחם עילוי יתמי וזכי להון ומהפך
 בזכותיהון. ויהיבנא ליה רשותא לאיסתכויי עליו(ה) נכסי דיתמי
 ומיכניש פיריהון ומיקם בצרכיהון ומידן (בקמו) [בקצי] כל מאן דאית
 ליה לפל אבוהון דיתמי הליאה או פקדון לותיה הנפוקי אוזינקא ליתמי
 15 ירחא בירחא מה דספיק להון. ופטרין לפל דנן (בבי דינא)
 [אפוטרופא ד] יתמי אילין מן שבועתא ומן גזירתא ומן שיפורי ומכל
 טענתא וערערתא ומן שמתא [ו] מן פתקי דלווטא ומן הנעלת כל בית
 דין בין בדיני ישר בין בדיני האומות, מחמת דבהכין הוא דאודקיק

נפשיה למינחת להרא מילתא דהני יתמי. ומה דהוה באנפנא כתבנא
 20 וחתמנא ויהיבנא ליה לפל דנן אפיטרופוס דפל ופל יתמי דפלני
 ניחא נפשיה דליה בידה לזכות ולראייה.

X. שטר זבני רבי דינא

1 מה דהות קדמנא בבי דינא דפל בר פל בכך בשבת דהוא כך וכך
 בירה פל שנת כך וכך לבריאית עולם למיניין שאנו מונין בו כאן
 במדינת פל, איך פל בת פל אתת לקדמנא והכדין אמרת. דפל בעלי
 שביב וחיי לרבנן ולכל ישרי שבין, ושביק יתמי זעירי וצריכין למזונן,
 5 ואית להו ליתמי נכסי כך וכך, וניחא לי דליודקקון לי רבנן ומזבנין
 מן אילין נכסי ומתזני יתמי אילין. ודחינן יתה כמה זימני עד
 דקימנן במילתא דוראי צריכין יתמי למזונן, ויטרינן רבנן וגברי
 דפקיען בשומא ושמינן להון נכסי, ושזו כך וכך זוזי, ואכריזנן תלתין
 יומין בתיקון חכמים ולא יהבון בהון אלא כן וכן זוזי. וכיון דחזינן
 10 דאכריזנן תלתין יומין ולא יהבו בהון אלא כן וכן זוזי אייתי ר פל
 בר פל אנך זוזי דכספא מעלייא טבא, ונסיבו וקבילו אילין יתמי דפלני,
 ואיודקקנא להון וזיבנא ליה לפל דנן ביתא או ארעא דקאים במתא
 פלני בדוכתא פל. ואילין מצרנהא וכו' מכר ביה. כען צבינא בבי
 דינא וזיבנא לפל דנן ניכסי אילין מעכשיו דשמייהון ומצרנהון גמירין
 15 חתוכין חלוטין שרירין וקיימין יהיבין ומשלמין ליה לפל דנן ולירתיה
 בתריה מן יומא דנן ולעלם, ומבטלין כל מודעי ותנאי וחזיאתא
 ואחזיאתא וכל שום כתבא דיפוק מתחת ידי דיתמי אילין למידעא
 ולבטלא ית זבני אילין בטילין מעכשיו בכל לישנא דאמור רבנן
 דבטילי בהון מודעי ותנאי, מחמת דלמזוני דיתמי וזיבנא ליה בבי דינא
 20 לפל דנן. ואחריות זבני אילין על יתמי אילין ועל ירתיהון בתריהון
 לפל דנן ולירתיה בתריה דלא באסמ' ודלא כטופ דשט' אלא כחומ'
 כל שטרי מעליי רבי דינא, דחבי אמור רבנן ארמלתא דזבין אחריות
 על יתמי. וקנינא מן יתמי אילין לפל בר פל דנן ככל מה דכתיב
 ומפרש לעיל במנא דבישר למיקנייא ביה שריר וקיים. ומה דהוה
 25 קדמנא כתבנא וחתמנא ויהיבנא לפל דנן דליהוי בידה לזכות
 ולראייה.

NOTES

I. SETTING A DATE.

THE president of the Academy orders a subordinate court to adjust a law-suit between A and B, failing in which the court is to set a date on which the two parties should appear before the court of the Academy. With reference to this procedure comp. Sanhedrin 31 b.

This summons, and still more the tone in which it is couched, but especially the fact that the Gaon mentions the names of the judges—all this goes to prove that we are dealing here with a court instituted by the Gaon. That the Geonim were in the habit of appointing judges is known from the Responsa of the Geonim, ed. Harkavy, p. 80, No. 180. Harkavy, it is true, believes, *ibid.*, p. 356, that this was the case only after the fall of the exilarchate, but the contrary is known from the report of Nathan ha-Babli, Neubauer, II, 86, who speaks of the judge of the Academy alongside of the judge of the exilarch; comp. Neubauer, *Anecdota*, II, 86, l. 6 from below. Also the fact known from Saadya's controversy with ben Zakkai, that the exilarch had no jurisdiction over persons residing in districts subject to the Geonim, leads to the necessary presumption that the judges officiating in such localities were not appointed by the exilarch; comp. Neubauer, II, 81-2.

R. Zadok's explanation in *Halakot Pesuḳot*, No. 156, on which Harkavy's assumption is based, proves by no means that the exilarch had the exclusive right of appointment. Indeed, we read in *Seḥfer ha-Shetaroth*, ed. Halberstam, p. 134, where apparently R. Zadok's explanation is presupposed: . . . כתב יפתקא . . . וכן כתב שכותב ריש גלותא לשופט ונותן לו רשות לילך ולדון . . . וכן נמי בזמן שנותנין רשות בני הישיבה וזו נמי נקראו יפתקא דרשוותא. In this sense is to be understood also *Eshkol*, ed. Auerbach, II, 158. Judges authorized and appointed by the head of the Academy are also mentioned in Responsa of the Geonim, ed. Coronell, No. 110: נטל רשות מראש ישיבה.

Our Formulary apparently deals with a case of refusal to institute a law-suit in the appropriate local court. The plaintiff addressed his complaint directly to the Gaonic court, but the latter refers it to the appropriate court for peaceful adjustment. And for this only, since the rejected court cannot render a decision *de iure*. The rejection is admissible; comp. Baba ḥamma 112 b, and Responsa of the Geonim, ed. Harkavy, No. 180. Moreover, that the plaintiff has the right to bring his affair directly before the higher court (בית דין הגדול), as Tosafot Baba ḥamma, *loc. cit.*, endeavour to prove, is confirmed by our Formulary.

L. 2. In reference to law-suits, the Talmudic term is עיין ברניא; comp. Sanhedrin 18 b, Berakot 58 a. But there the final sentence is had in mind, while here the proceedings are only begun with the examination of the parties, hence מעיינין במילי is more appropriate; comp. Megillah 30 b: דמתא. As to מילי in the sense of 'law-suit', comp. the biblical-talmudic דברים.

L. 3. בקצתהון קצת here means process of law, *causa*; in this sense the word is not known in rabbinic literature. Related to it is the Syriac קצת in the sense of *propter*; comp. Payne Smith, s. v. קצא. I, 5; II, 7; and III, 5 בקצי means 'in the presence of'; III, 10, ושתה בקצותיה, 'nobody shall eat and drink in his company'. Perhaps our בקצתהון also means 'in their presence'. Also in this sense קצת and קצי are unknown.

Ll. 3 and 7. Before proceeding to the law-suit an attempt must be made to compromise. Comp. hereon Sanhedrin 6 b.

L. 4. איקבעוהי זימנא לפל: appoint a time for N.N. See II, 6; III, 4; and IV, 4. As to the expression, see Mo'ed ḥaṭon 16 a, Baba ḥamma 113 a, *Variae Lectiones*, *ibid.*, p. 272, n. 9, and 138 a, n. 7, and *Sefer ha-Shetaroth*, ed. Halberstam, pp. 3 and 136; further, Ḥullin 150 b.

L. 4. Probably וישמע דינא; comp. II, 7; III, 4; and IX, 10: ושמע דינא. The latter expression occurs in Baba meš'ia 70 a.

דינא ומשמע דינא is employed with the tacit supposition that the proceedings will take place and that the person appearing before the court will submit to the decision of the judges. Barring this supposition, and with the view of a mere appearance in court, the following phrase is used in VIII, 2 f.: אתא נתבע ושמי 'the accused appeared'. Hence in III, 6, where only one party appears and the court-proceedings cannot take place, אתא פל תובע ושמי is very probably to be read ושמי.

L. 4 f. בבא דמתיבתא as the term for the Gaonic court, Hebrew שער הישיבה, occurs very frequently in Gaonic literature. Comp. my note on II, 3, s. v. רבנן.

L. 6. ואתרינן ביה, comp. II, 8 ואתרו ביה. The warning consists, no doubt, in the threat of excommunication in case the person summoned does not appear. As to the warning, comp. Mo'ed ḳaṭon 16 a and Tosafot, *ibid.*, s. v. מתרין.

L. 8. ופרישין תיובתא. To this corresponds II, 8 f., תויבתא.

II. REPLY.

The lower court notifies the Gaon that in accordance with his order a date has been set for A and B to appear before the court of the Academy.

L. 1. This preamble in official letters from inferiors to their superiors is known from the report of Nathan ha-Babli. The Gaon of Pumbeditha wrote to the Gaon of Sura: יתקרי הדין; דיסקא קמי; similarly the latter to the former; comp. Neubauer, *Anecdota*, II, 78. Perhaps this prefatory formula in the correspondence of one Gaon to another was a mere matter of courtesy, as this must have been the case surely on the part of the Gaon of Sura. But in purely official letters to superiors this was not a mere courteous phrase, but was adapted to the circumstance that in the academies all the letters received were read by the secretaries. Comp. V, 2; Responsa of the Geonim, ed. Harkavy, pp. 32, 76, 88, 91, 96, 149, 187, 275; ed. Lyck, No. 56; תורתן של ראשונים, II, 31; *Jeshurun*, V, 137. Comp. in addition

Jer. 36. 21; Esther 6. 1; Ezra 4. 18. See also Gittin 19 b and Responsa of the Geonim, ed. Harkavy, p. 110.

L. 2. שלמה רבה ומרחמנותא מן שמיא in the Responsum by Sherira and Hai to the community of פאס, *Jeshurun*, V, 157. Interesting is the greeting to the children of the Gaon in an official letter.

L. 3. Immediately after the Gaon (and his children) the רבנן are named. The same occurs in the correspondence of one Gaon to another, Neubauer, *Anecdota*, II, 78. Accordingly they were the most prominent members of the Academy and the court. This follows with particular clearness from the fact that the Gaon of Sura in his letter to the Gaon of Pumbeditha employed only the term רבנן. Now it is rather strange that in our Formulary, an official letter from a lower to the superior court, no mention is made of the supreme judge at this court, the Ab Bet Din or דינא רבנא. This is the more peculiar since in this document even the servants are included in the greeting. I conjecture therefore that רבנן in our formula designates the Ab Bet Din and the other associate judges, probably the ראשי בלה or אלופים. For it is very improbable that רבנן is employed here in its general sense of 'learned men' and that no mention is made of the Ab Bet Din. Also in the correspondence of one Gaon to another the רבנן are certainly not mere 'learned men', but the official members of the Academy next in rank to the Gaon, hence likewise the Ab Bet Din and the ראשי בלה.

Thus we obtain the term רבנן for the body of high officials of the Gaonate. We understand now why the Gaon of Sura in his letters to the Gaon of Pumbeditha employed only the title רבנן. Alongside of these רבנן there were also other רבנן who were not officials and who were active only in the school. They are never mentioned as רבנן simply, but always with a specification of the degree of their erudition. Comp. the passages in Poznański, *Studien zur gaonäischen Epoche*, pp. 46-8. Official associate judges are probably also the רבנן mentioned in the inquiries addressed to the Geonim from Northern Africa. Comp.

Responsa of the Geonim, ed. Harkavy, pp. 24, 27, 32, and *Jeshurun*, V, 137.

With reference to our Formulary, the absence of the greeting to the Ab Bet Din might lead us to the assumption that the latter was not an official at the court of the Gaon, but conducted an independent court, as indeed we find some statements to the effect that there were two courts in each of the two academies; thus Eppenstein, *Monatsschrift*, 1908, p. 337 f., and Ginzberg, *Geonica*, I, p. 12. But on closer examination the evidence on which this assumption is based reveals itself as hardly convincing. Eppenstein points to the superscription in Responsa of the Geonim, ed. Harkavy, p. 88, 'where the court of the then אב ב"ד Hai is termed שער הישיבה, and where it is further stated וגם הורמה אל בית דין הגדול לפני אדונינו שרירא ראש ישיבת גאון יעקב, that it comes therefore from a time when Hai was already Gaon, namely, Sherira being still alive, from the time between Sherira's abdication and his demise, between 998 and 1,000. At this period the inquiries were disposed of officially by Hai, but out of filial devotion and deferential sentiment he submitted his decisions, at least occasionally, to his father for advice, thus inviting him at the same time to add his signature. That the circumstances were such in our superscription can also be verified by the fact that with regard to Hai's reply the stereotyped phrase ונקראה לפנינו, common to all official writs, is employed, while in reference to Sherira, his signature being only of an honorary character, the phrase used is simply ועמר עליה. The retention by Sherira of his former titles after going out of office was due merely to a matter of courtesy and reverence, and on Hai's part, was the result of filial duty and respect. Thus it was natural and a matter of course for Hai's secretary to characterize Sherira's part in the response by the remark : וגם הורמה אל בית דין הגדול לפני אדונינו שרירא ראש הישיבה הגדול. In the same way also the superscription in *Pardes*, ed. Warsaw, 1202, is to be explained : שושאלו מלפני רבינו האי גאון ראש ישיבה וגאון ראש ישיבה. Here Sherira and Hai are academic chiefs at one and the same

time, and Hai is named first. This can only be explained by the theory that at the time of its composition Hai was Gaon and Sherira ex-Gaon.

Eppenstein further emphasizes the appellations שער הישיבה and בית דין הגדול in the superscription in question, arriving at the conclusion that the former expression designated the court of the Ab Bet Din, while the latter was used for the court of the Gaon. But he failed to see that שער הישיבה is identical with בית דין הגדול. Thus we find in Responsa of the Geonim, ed. Harkavy, p. 90: אל שער הישיבה של גולה אל בית דין הגדול; *ibid.*, p. 149: לבית דין הגדול דכל; *ibid.*, p. 156: לבית דינא רבה לבאבא דמתיבתא לשער הישיבה של גולה אל בית; *ibid.*, p. 215: יישר לבאבא דמתי אל שער ישיבת הגולה; תורתן של ראשונים; דין הגדל ולבאבא דמתיבתא לבית; *JQR.*, VI, 233: אל ב"ר הגדול של כל ישראל *ibid.*, New Series, 1910, p. 71, n. 25: מישער הישיבה של גולה מבית דין הגדול, I, p. 12.

That שער הישיבה stands for the court of the Gaon follows also from Responsa of the Geonim, ed. Harkavy, p. 269, No. 548; p. 273, No. 551; *Pardes*, ed. Warsaw, 122 a; *Hemdah Gemuzah*, No. 37, and *Iḥṣur*, I, 16 c. In the two latter places: שער ישיבה; של ימין; this is the academy of Sura, as Harkavy points out. That this explanation is true is proved by MS. Oxford 2699²: לרבינו סעדיה גאון [שער] שלימין של עיר מחסיה. The term שער הישיבה is also found in *Berliner-Festschrift*, p. 111, and in Harkavy's *Studien und Mittheilungen*, V, p. 230. For שער הישיבה in a letter of Maṣliḥ Gaon of Fostat, see Schechter's *Saadiana*, p. 81. בבא דמתיבתא also in Harkavy, p. 276, No. 555; *Geonica*, II, p. 214; *Iḥṣur*, I, 18 d, from a Responsum by Natronai = שערי צדק, 86 a, No. 15, where, however, בבי דינא, as also in *Asufot*, 148 b below. In the formulary of a שומא in שערי צדק, 86 b below: בי דינא, and for it in *Asufot*, 148 d below, בבא דמתיבתא. Concerning בבא and שער in the sense of court, comp. Aptowitzer, *Die syrischen Rechtsbücher und das mosaisch-talmudische Recht*, pp. 105-6; comp. in addition Anan in Harkavy, *Studien*

und Mitteilungen, VIII, p. 116. In the ninth century the court of the Nestorian bishop is likewise called תרע : comp. Aptowitzer, *loc. cit.*

The period immediately after Sherira's retirement from office also fits the superscription of the inquiry directed to Sherira and Hai in Responsa of the Geonim, ed. Harkavy, p. 187 : אל שער אל שובה של נולה אל שני בתי דינים גדולים של ישראל, since indeed there could not have been at the Academy two supreme courts at the same time. That Hai's court is named here בית דין הגדול out of courtesy, as Ginzberg is inclined to think, *Geonica*, I, p. 12, is very improbable, since this courtesy towards Hai would have been a discourtesy to Sherira. Besides, this superscription belongs to the secretary who had to adhere to the official style and could not bestow titles as he pleased and out of courtesy. On the other hand, my explanation goes to show that the courtesy towards Sherira was necessary, and a matter of course even from an official point of view. That the inquiry is addressed to both Sherira and Hai, as at the time when Hai was still Ab Bet Din, is simply to be explained by the fact that in distant regions Sherira's abdication became known only after some time. *Vice versa*, we find a courtesy paid to Hai in *Iṭṭur*, I, 61 d : איתשיל מקמי רב שרירא נאון בית דין הגדול ולבית דינו של רב האי. Here Hai's office of an Ab Bet Din is called בית דין out of courtesy. But only בית דין and not בית דין הגדול.

Ginzberg, to strengthen his assumption of two courts at each of the two academies, adduces also another, seemingly very powerful proof, namely, the passage in *Hemdah Genuzah*, No. 20 : ארבעת בתי דינים שבשתי ישיבות. In reality, however, these 'four courts' owe their genesis to a scribal error or misprint, for in 91 b, No. 38, the passage reads as follows : באחת משערי צדק מארבע מיתות בית דין (ש)בשתי ישיבות. That this is the correct text is borne out by the context ; the inquiry, indeed, reads : מי לא ראינו ולא שמענו . . . שהיו עושים באחת מארבע מיתות ב"ד שנתחייב באחת משערי צדק, whereupon follows the answer : לא ראינו ולא שמענו . . . שהיו עושים באחת מארבע מיתות בית דין (ש)בשתי ישיבות כלום.

This passage being disposed of, there remain only the passages Harkavy, p. 187, and *Ittur*, I, 61 d, which seem to speak of the simultaneous existence of two courts at each of the academies; both of these passages, however, refer to the time of Sherira and Hai. Thus in any case, even if appearance is to be accepted as reality, the assumption of two simultaneous courts must be confined to the Pumbeditha and the period of the common activity of Sherira and Hai. In this period the contemporaneous existence of two courts would explain itself by the fact that Sherira and Hai, being relatives (קרובים), could not act as judges together in actual cases. Comp. Tosefta Sanhedrin 5, 4; p., *ibid.*, 3, 9 (21 c) and Shebu'ot 1 (35 b), Sanhedrin 36 a and Tosafot, s. v. אין, Sherira in שער יצחק, 91 b, No. 36. See in addition Hai in שער יצחק, 92 a, No. 44, *ibid.*, 85 a, No. 8, Responsa of the Geonim, ed. Mantua, No. 205.

L. 3. ספרי. Greetings to the secretaries are not known from the Gaonic correspondence. Greetings from the secretaries to those addressed occur, as far as I know, only once, and that in Samuel ben Hofni's epistle, *JQR.*, XVIII, p. 404. From this epistle it is evident that there were two kinds of secretaries, plain scribes mentioned at the very last, and the secretary of the Academy, סופר הישיבה, who is named immediately after the Ab Bet Din, according to Marx's correct emendation in *JQR.*, *loc. cit.*, p. 771; comp. also Poznański, *Studien zur gaonäischen Epoche*, p. 48. Of the latter kind are no doubt the ספרי in our Formulary, since they are greeted after the רבנן and before the אמוראי. These אמוראי do not occur in the Gaonic literature. Whether they stand in relation to the frequently occurring תנאים or were 'speakers' is difficult to decide. That also the Geonim made use of a speaker during their דרשות is known from the report of Nathan ha-Babli, Neubauer, *Anecdota*, II, 84: והתורנמן עומד עליו ומשמיע דבריו לעם. Concerning תנאים, comp. the passages in Poznański's *Studien*, pp. 46-8, and Eppenstein in *Monatschrift*, 1908, p. 458f. It would be worth while also to investigate the remark in the mystical composition in Jellinek's *Beth ha-Midrash*, VI, p. 110: עטופין בטליחות כתנא. Perhaps a conclusion

may be drawn from it that the תנאים used to recite the prayers on festive occasions. It seems, however, that כתנא is a corruption for דכתנא, which is the opposite to טליתא דעמרא mentioned there above.

L. 3. ושלחי ישראל. These are undoubtedly messengers who were sent by the academies to the communities in order to inspect the courts and also to regulate other communal affairs, but especially to collect contributions for the academies. It is true that such messengers are not mentioned explicitly anywhere else, but that they formed a permanent institution at the academies must be assumed without reservation. Without these messengers we can hardly imagine how the quite large sums gotten together out of small contributions were delivered. That there were collecting agencies in the communities to which the individual contributions were delivered, we know from the report of Nathan ha-Babli, Neubauer, *Anecdota*, II, 84, where it is related that after blessing the chiefs of the Academy at the inauguration of the exilarch the contributions of the individual communities were enumerated, also 'the persons who take care of the contributions until they reached the school-houses, שמתעסקים בנרבה עד שתגיע לשיבות'. If, on the other hand, every community delivered its contribution through a messenger from its midst, the waste in expenditure would have been enormous and wholly unjustified. Hence it is absolutely safe to say that these contributions were collected by the messengers of the academies. Nathan ha-Babli, Neubauer, II, 87, relates further that in times when money was scarce at the academies letters used to be sent to the communities, urging them to contribute their share and alleviate the needs of the academies. Who forwarded these letters and collected the contributions if not the messengers? I am surprised therefore that Ginzberg, *Geonica*, I, 2, note 1, is led to the conjecture that 'apostles' were sent out by the Geonim only on the basis of late evidence, and Marx, *ZfB.*, XIII, p. 107, remarks that this conjecture requires further investigation. The official name of these messengers was certainly not פקידים, as Ginzberg, *loc. cit.*, assumes,

but, as may be seen from our Formulary, שלוחים. The פקיד was very probably an administrative officer, corresponding to the meaning of the word.

L. 4. לִיגְבֹרָה לְמוֹלִיָּה. Comp. Taanit 29 b : דְּבָרִיא מוֹלִיָּה.

L. 8. דְּהוּא אֵינֶךָ לִירֵחַ פְּלוֹנִי. Similarly III, 5, 14 and VIII, 2, 7; comp. also IV, 17, where, however, אֵינֶךָ is not in place. The harmless word אֵינֶךָ, known heretofore from a single passage only, plays an important part in the history of the Gaonic literature; indeed, serious scholars have sought to deduce from it nothing less than the time of the composition of the *Halakot Gedolot*. For in the formulary of a נֹט חֲלִיצָה in *Halakot Gedolot*, ed. Warsaw, 131 a, we find the following: בְּיוֹם פְּלוֹנִי דְּהוּא אֵינֶךָ בִּירֵחַ; פְּלוֹנִי לְמוֹנִיָּה דְּרִנְלָנָה בִּיה; Halberstam, Rabbino-wicz, Neubauer, and Hildesheimer endeavoured to find therein a yearly date: 'א, נ"ב' of the Seleucid era. Comp. Halberstam's introduction to הלכות ראו, ed. Schlossberg, p. iv, and Hildesheimer to *Halakot Gedolot*, ed. Berlin, p. 315; comp. also Epstein, מואמר על ספר הלכות גדולות, p. 8. Our Formularies now make it absolutely clear that all the dates deduced from אֵינֶךָ are wrong, that the word can have no other meaning than כֵּךְ, 'on that and that day of that and that month'. X, 9 אֵינֶךָ זָוִי דְּכֶסֶּפָּא makes any attempt at another rendition impossible, the phrase evidently means 'so and so many zūz of silver', for which we have in *Sefer ha-Shtaroth*, ed. Halberstam, p. 62: כֵּךְ וְכֵךְ דִּינָרִין. Brüll, *Jahrbücher*, V, 160, who would correct אֵינֶךָ to כֵּךְ, came near the truth. But how Halberstam, who refers to אֵינֶךָ in our Formularies, can suppose that 'they all come perhaps from the above-mentioned year', i. e. 'א, נ"ב Seleucid, is an enigma.—אֵינֶךָ is probably connected with the talmudic אֵינֶךָ = 'those', 'the others', or הֵנֶךָ = 'those', 'these'. In both of these words כֵּךְ is not a plural sign, but they go back to כֵּךְ; comp. Margolis, *Lehrbuch der aramäischen Sprache des babylonischen Talmuds*, p. 18, § 9. Thus אֵינֶךָ may be singular (in the datings) and plural (X, l. 11).

III. DECREE OF EXCOMMUNICATION.

N. N. is excommunicated on account of his failure to appear before court. Every community cognizant of this decree is also bound to excommunicate him.

A similar decree of excommunication is found in Responsa of the Geonim, ed. Harkavy, p. 84, where the ban is pronounced on account of a false assertion of insolvency. Elsewhere we find nothing concerning the contents of the פתחה. Harkavy's reference to *Ittur*, ed. Ven., 33 a = ed. Lemberg, 19 a, is not exact, since there only the superscription reads שטר פתחה by mistake, but the contents are those of an אדרכתא. Comp. further below to No. V.

The פתחה, though written in the style of a decree, was not sent to the head of the court, but was handed over to the plaintiff, as we learn from No. VI. The same is true also of the following formularies.

Ll. 1-2. The same opening also, IV, 1-2, while in the following formularies it is not stated fully. These formulas of address are especially important for the knowledge of the communal constitution in Gaonic times, since otherwise we know very little about it. Those addressed are, besides the college of rabbis and judges, רבננא ודייני, the presidents and functionaries of the communities. First in order come the ראשי כנישתא, in the Responsa צדק שער, 75 a, No. 14 : ראשי כנסיות, ed. Lyck, No. 10 corrupted into ראשי ישיבות, ed. Mantua, No. 41 : ליישיבות. The ראשי כנישתא בני mentioned in the second place are probably presidents of synagogues. Perhaps, however, בני בני is to be emended to סבי, corresponding to the זקנים in *Sha'are Sedeḳ* and ed. Lyck. As to זקנים comp. שער צדק, 84 b, No. 4 : זקנים ותלמידים וטובי העיר; Responsa of the Geonim, ed. Harkavy, p. 112 above, ed. Mantua, No. 182. Another possibility for בני בני is בתאי, learned members of the community. Comp. Responsa, ed. Harkavy, No. 554, and Harkavy in *Œuvres complètes de R. Saadia*, IX, p. xliii. בתאי is also found in a MS.

of Sherira's Epistle, comp. Lewin, *Prolegomena zu einer neuen Ausgabe vom Sendschreiben des R. Sherira Gaon*, pp. 27-8.

Then follow the secretaries and after them the פרנסי; also in *Sha'are Sedek* they occupy the last place. From this as well as from the fact that they are named next to the ראשי כנסיות, it follows with certainty that they were not, as Grätz puts it (*Geschichte der Juden*, V¹, p. 139), presidents of communities and identical with the ראשי כנסיות. The presidents proper were the ראשי כנסיות, called by Nathan ha-Babli, Neubauer, II, 85, ראשי הקהל, while the פרנסי were subordinate administrative officers. After the פרנסי follow the פלחין חרי, which I render 'other functionaries'. Improbable seems to me the translation 'free workers', i.e. unpaid officials, עוסקים צבור שלא בשכר, for such were also the פרנסי and ראשי כנישתא. Or were communal leaders paid already at that time? Then indeed the Babylonian communities were as modern in those days as a certain great community in Europe is striving to be in our days. At last the מקרי דרדקי are named, hence also they were communal officials.

L. 3. חביבי ויקרי. Comp. Responsa, ed. Harkavy, p. 31 below, 172, No. 344.

L. 7. פקידנא. Comp. IV, 4, 7; V, 2, 7; VI, 1, 5, 8; VII, 9; VIII, 4. Comp. e.g. Responsa, ed. Harkavy, pp. 32, 76, 187; שערי צדק, 87 a, No. 15 end; *Jeshurun*, V, 137. See also the places indicated above, to II, 1, s. v. יתקרי.

Ll. 10-11. Comp. Mo'ed kaṭon 16 a, above: וראכיל ושתי. בהדיה וקאי בארבע אמות דיריה.

IV. STRINGENT EXCOMMUNICATION.

The plain ban having proved to be ineffective, the stringent ban is pronounced over the disobedient person. In a smaller frame and in Hebrew the אחרמא is preserved in the Responsum of R. Paltoi, *Sha'are Sedek*, 75 a, No. 14; ed. Mantua, No. 41, ed. Lyck, No. 10; and *Orhoth Hayyim*, II, 504. Comp. also

Nimuḳe Yosef to Baba ḳamma 113 a from Alfasi, which, however, occurs neither in Alfasi's compendium nor in his Responsa. As to the contents, concerning the wife of the excommunicated, comp. חמשה קונטרסים, ed. Coronell, 109 a below. There is hardly any need to demonstrate that in our Formulary the older, original form of the אחרמתא is preserved.

Ll. 9-10. דפתו, &c. Comp. Hullin 13 a below.

L. 10. חוטיה = ציצית in R. Paltoi's Responsum.—מוזותיה. So also in ed. Lyck and *Orhoth Hayyim*: מוזותו; in *Shā'are Sedek* מוזותיו, miswritten from מוזותיו. Comp. Harkavy, *Stud. und Mitteil.*, IV, p. 357. The reading מוזותיו is against the Baraita Mo'ed ḳaṭon 15 a, ועושין לו חנות קטנה. Comp., however, R. Isaiah in R. Nissim to Alfasi Mo'ed ḳaṭon 3, No. 1184, whose explanation is certainly due to the reading מוזותיו.

L. 11. ולא תמלן ביה צלותא. Ye shall not complete the prayer (i. e. the quorum necessary for public prayer) with him. In *Shā'are Sedek*: ואל תתפללו עמו; missing in ed. Lyck. In the ban-decree in Coronell's חמשה קונטרסים, 109 a below: לא יתמנו בעשרה. Comp. *Mishneh Torah*, Talmud Torah, 7, 4, and *Kesef Mishneh*, *ad loc.*

Ll. 13-14. וניזדוהי ליה is missing in R. Paltoi. For וניזדוהי we should probably read ונידוהי or וניזוהי, from the root נזה = 'rebuke', as נזף.—ולא תסבן מיניה ולא תסבין ליה. As object מתנתא or a word of a similar meaning, מידי, מידעם, is to be understood. In the rabbinic literature it is not expressly forbidden to accept presents and alms from an excommunicated person and to give such to him, but such a prohibition is probably inferred from the 'exclusion from society'. Among the Karaites this prohibition is expressly emphasized. Comp. Benjamin Al-Nahawendi, לא נשאל בשלמו ולא נעמוד אצלו: 2 a, ed. Goslow, משאת בנימין, ולא נאמין לו ולא נקבל ממנו כל מתנה ולא תשורה ונבדל ממנו ונחשבהו ולא נאמין לו ולא נקבל ממנו כל מתנה ולא תשורה ונבדל ממנו ונחשבהו; comp. Bashyazi, אדרת אליהו, ed. Odessa, 111 c. This goes back to Anan's Book of Precepts, in Harkavy's *Stud. und Mitteil.*, VIII, p. 14: ולא משתעונן בהדיה ולא דאיר נבן ולא עבדינן בהדיה משא : וביתן ולא שיילינן מיניה ולא מושלינן ליה ולא מקבלינן מיניה צדקה ולא

מרחמינ עליה וחשבינ ליה כמאן דמית ליה. But perhaps נסב here means 'deal with', 'buy'; comp. Mo'ed kaṭon 15 a and *Mishneh Torah*, תלמוד תורה, 7, 5. Similarly, as we have seen, also Anan. There is also a third possibility, namely, that איתתא is to be taken as object of נסב, so that our sentence would contain a prohibition against matrimony with an excommunicated person. Of this there is no trace in rabbinic literature. Anan, on the other hand, has the following (*loc. cit.*): אי גברא הוא מפרשינ ליה לאיתתיה: מיניה ואי איתתא היא מפרשינ ליה לגברה מינה.

L. 14. ושטופו כסא בתריה. Comp. 'שטיפת הכוס,' Mishnah Zebahim 96 b below, and Rashi, *ad loc.* The rinsing of the cup was probably a symbolic action: as the rinsing water is removed, so the excommunicated is removed and separated from the community. Comp. similar symbols of banishment and separation, the קצצה Ketubboth 28 b and Kiddushin 60 c, and the throwing back of lumps of earth after the burial, יטערי צדק, 21, No. 19; *Ma'aseh ha-Geonim*, ed. Epstein, p. 51; *Or Zarua*, II, 171 b.—והבדילוהו, &c. Comp. *Halachoth Gedoloth*, ed. Berlin, p. 427, from Mo'ed kaṭon 16 a: ומנא לן דמנורין ליה מן צבורא (Ezra 10. 8) דכתיב והוא יבדל מקהל הגולה. In our texts of the Talmud this passage is missing. Comp. Benjamin Al-Nahawendi, אם לא יקבל עליו משפט שדי נבדיל אותו ממנו: 2 a; משאת בנימין שנאמר והוא יבדל מקהל הגולה.

L. 16. תידבק קינטא I am unable to explain. Perhaps תידבק is the right reading, 'wrath shall cling.'

V. DECREE ABOUT SEIZURE OF PROPERTY.

The creditor is authorized to take possession of the property belonging to his debtor. The אדרכתא is often mentioned in the Talmud, comp. Baba kamma 112 b, Baba batra 169 a, &c. Concerning this document, see Responsa, Alfasi, No. 272; *Sefer ha-Shetaroth*, ed. Halberstam, p. 3 f., and *Mishneh Torah*, מלוה ולוה, 22, 5; and *Kesef Mishneh*, *ad loc.* There are two

kinds of **אֲדָרְכָתָא**, the one concerns the property found in the possession of the debtor, the other authorizes the creditor to seize the immovables of the debtor which have been alienated since the loan. In our Formulary the former **אֲדָרְכָתָא** is involved. For other formularies of this **אֲדָרְכָתָא**, see *Sefer ha-Shetaroth*, p. 4, and *Itur*, I, 19 a.

Ll. 5-7. **דַּכְת'**, &c. Deut. 17. 11; comp. Shabbat 23 a, **וְהִכֵּן עַל כָּל אֲדָרְכָתָא**.—**עֲוֹנוֹ מִלֹּא תִסְוֹר** in l. 5 is peculiar.

Ll. 8-9. **וְאִשְׁלִימָנָא**, &c. Since we deal here with a refractory debtor, the **אֲדָרְכָתָא** extends also over the immovables. Comp. *Baba ḥamma* 112 b.

Ll. 12-14. To bear witness before a non-Jewish court is forbidden according to *Baba ḥamma* 113 b below. It is only allowed in the case when the Jewish court is unable to call in the debt. Comp. Responsa, *Sha'are Sedek*, 84 b, No. 4, ed. Harkavy, No. 233.

VI. DECREE REMOVING THE BAN.

When the refractory debtor, against whom a **פְּתִיחָא** was issued, subsequently becomes penitent and submits to the regulations of the court, the **פְּתִיחָא** is torn; comp. *Baba ḥamma* 113 a. But now the creditor, summoned to produce the **פְּתִיחָא**, maintains that he does not possess it; hence the court revokes the ban and issues to the debtor a decree to that effect, by means of which he can accomplish the revocation of the ban by all the courts. The name of this decree is **אֶקְלָתָא** 'alleviation'; judging by its contents we should rather expect the designation **אֲחֻלָּתָא** 'discharge'.

Such a decree is unknown to talmudic and gaonic literatures even by name. Only Judah ben Barzillai, as far as I know, mentions briefly in his *Sefer ha-Shetaroth*, p. 136 below, a **כְּתָב הַתְּרָה**, which, however, seems to be only the formula employed in removing the ban and not a legal document. The formula for the removal of the ban is preserved in Responsa, ed. Harkavy, p. 234. Comp. also Responsa, ed. Lyck, No. 11.

VII. DECREE OF BAN FOR OBTAINING EVIDENCE.

לְטוֹתָא 'imprecations', is the term used for the ban which has for its purpose a confession on the part of the debtor or a statement on the part of other people. The ratification of the ban in writing, which contains also the formula of the ban, is called פְּתָקָא דְּלְטוֹתָא. This term and the cases in which a פְּתָקָא דְּלְטוֹתָא is executed are mentioned several times in the gaonic literature. Comp. Responsa, ed. Müller, No. 22; ed. Lyck, No. 9; *Hemdah Genuzah*, No. 137; ed. Harkavy, p. 1 and especially No. 333. Comp. also Harkavy, *ibid.*, p. 396; *Sefer ha-Shtaroth*, ed. Halberstam, pp. 134 and 135.

As a means for obtaining evidence the ban is of gaonic origin. Comp. Rashi, Shebu'ot 38 b below, *s. v.* בספר תורה und RAbD. to *Mishneh Torah*, שבועות, 11. 13. See also, in addition to the gaonic passages already mentioned, *Hemdah Genuzah*, No. 22, 165; *Sha'are Sedek*, 42 a, 70 b, No. 83, 71 a, No. 3, 73 a, No. 9, 75 a, No. 13 end, 75 b, No. 17, 77 a, No. 32; *Halachoth Pessukoth*, ed. Müller, No. 94, § 13; Responsa, ed. Lyck, No. 9; ed. Harkavy, No. 97, 169, 170, 182, 184, 333, p. 186, No. 454, 480, 494, 496, 498, 513, p. 271; ed. Coronell, No. 2, 3, 40, 72, 96 end; ed. Müller, 43 b below, No. 189, 190, 192, 193, 217; תורתן של ראשונים, I, 49, No. 13; ed. Cassel, No. 13, 43, 148; ed. Mantua, No. 10, 17, 26, 39, 235, 240, 275, 298, 341; *Geonica*, II, 290; Saadya in Isaac ben Reuben, שיערי שבועות, chap. 3, end; *Ijtur*, I, 37 b, 38 a, 6 d. Comp. also *Aruch*, *s. v.* הסת.

Especially remarkable is the ban over those who can furnish evidence but fail to do so, as in our Formulary, l. 6: על כל דירע ולא אחא מנלי. This ban, the ban over witnesses, is not only non-talmudic, but apparently even anti-talmudic, since Lev. 5. 1 is referred to by the rabbinic tradition to certain definite persons; comp. Shebu'ot 4, Tosefta, *ibid.*, 2-3, and Sifra to Lev. 5. 1. The Karaites, however, construe Lev. 5. 1 in the sense that the Bet Din pronounces the ban over all those who can testify in an affair, so that they may come and make their statements.

Comp. Bashyazi, אדרת אליהו, ed. Odessa, 218 c-219 b, where this conception is expressly designated as opposed to the teaching of the Rabbanites: וכן מה שאמר הכתוב ושמעה קול אלה והוא עד או ראה או ידע אם לא יגיד ונשא עונו הרצון בו כשיחרימו בית דין שמי שיודע עדות לענין פלוני יבוא ויעיד והעד לא בא חייב בשבועת העדות, כן דעת כל החכמים, לא כדעת בעלי הקבלה שאמרו שאין העדים הייבים בשבועת העדות אלא אם כן יחד אותם התובע. In the ban over witnesses we have therefore a gaonic institution which agrees with the Karaite interpretation of a biblical passage and Karaite practice.

It is impossible to credit the Geonim with the adoption of a Karaite institution, hence the ban over witnesses must have been of Rabbanite origin, and since it goes back undoubtedly to Lev. 5. 1, comp. שערי צדק, 87 a, No. 17; comp. also Ibn Ezra on Lev. 5. 1, the interpretation of this verse we know to be Karaite, must also be much older than the Karaites. This interpretation corresponding as it does to the literal sense of the biblical text, was adopted despite the conflicting tradition, while the traditional interpretation was confined to the consequences only of the refusal to testify. A very important testimony in favour of the high antiquity of the witness-ban and its source, the Karaite interpretation of Lev. 5. 1, would be available if the fragments published by Schechter in his *Documents of Jewish Sectaries*, vol. I, were really the remains of a 'Zadokite work', as assumed by Schechter in his introduction, and I. Lévi in *REJ.*, 1911-12. In these fragments we read, according to Schechter's translation, p. xlvi: 'And he who had lost (anything), and it is not known who has stolen it from the tent of the camp in which the thing has been stolen, its owner shall proclaim (Schechter: it by) the oath of cursing, and whoso hears, if he knows and utters it not, he shall be guilty.' Text, p. 9, ll. 10-12: וכל האובר ולא נודע מי גנבו מומאד (ממעד) המחנה אשר גנב בו ישיביע בעליו בשבועת האלה והשומע אם יודע הוא ולא יגיד ואשם.

L. 12. ובענלא &c. Comp. *Orhoth Hayyim*, II, 504.

Ll. 13-14. The required supplement was made by me in accordance with the formula for the removal of the ban in Responsa, ed. Harkavy, p. 234.—*Ibid.*, יתקיים. Comp. *Orḥoth Hayyim*, *loc. cit.*—דכתב. Ps. 52. 7: יתצנך. As to the change into יתצוהו, comp. Shebu'ot 36 a, and Aptowitzer, *Das Schriftwort in der rabbinischen Literatur*, I (Prolegomena), p. 27.

Ll. 14-15. Comp. Deut. 28. 26; Jer. 7. 33.

L. 16. Comp. Ps. 109. 18.

Ll. 16-18. Comp. Baba meš'ā 4. 1. See also Responsa, ed. Lyck, No. 115, 35 a.

L. 19. דלווטא. Comp. further below, No. 9, l. 14.

VIII. DECREE OF POSTPONEMENT.

The defendant has appeared twice before court, but the plaintiff failed to appear; wherefore he loses for a period of thirty days the right to summon the defendant before court. This is a kind of postponement. In the talmudic and gaonic literature there is not the slightest vestige of this decision. In this literature no mention whatever is made of the case where the plaintiff does not appear at the fixed date. Thus we find preserved in our Formulary an important decision bearing on the talmudic-gaonic court procedure.—For another decree of postponement, comp. *Sefer ha-Shetaroth*, p. 91, and *Iṭṭur*, I, 18 a.

As to the meaning of שמוע, comp. Harkavy, *Stud. und Mitteil.*, IV, p. 390, and *Sefer ha-Shetaroth*, pp. 90-91, and Halberstam's remark thereto; comp. in addition תורתן של ראשונים, I, 26, *Sha'are Sedek*, 91 a below.

IX. DECREE CONCERNING GUARDIANSHIP.

N. N. is appointed guardian over the orphans N. N. Similar formularies are found in *Sefer ha-Shetaroth*, p. 7, and *Iṭṭur*, I, 29 c.

L. 2. וחי, &c. On this formula, comp. e.g. Responsa, ed. Harkavy, No. 323, 324; ed. Müller, No. 19; *Geonica*, II, 288.

Ll. 7 and 14. **אחינקה**. For the explanation of this word, comp. Ginzberg, *Geonica*, II, p. 211, note 2, and Aptowitzer, *Monatsschrift*, 1911, p. 637.

Ll. 9–12. Comp. Baba meṣi'a 70 a, and Rabbinowicz, *ad loc.*

L. 16. **נזירתא** is the ban introduced by the Geonim in place of the oath of the Torah. Comp. Responsa, ed. Cassel, No. 13, 43, 150; *Hemdah Genuzah*, No. 22. On the expression, comp. further Responsa, ed. Harkavy, pp. 1, 114, No. 340, 387, p. 271 below, 272, 273 above, No. 551 end, 556; *Sha'are Ṣedek*, 41 b, No. 38, 70 b, 71 b, 73 a; ed. Müller, No. 88, 97 end, p. 43 b; ed. Mantua, No. 105, 265; *Geonica*, II, 290; *Sefer ha-Shetaroth*, pp. 13, 37, 43, 62. Comp. also the passages adduced above, to No. VII, *s. v.* **לטותא**.

L. 17. **טענתא וערערותא**. Comp. Halberstam's remark in *Sefer ha-Shetaroth*, p. 147, and Responsa, ed. Harkavy, p. 186.—**מן שמחא**, &c. Comp. above, to No. VII, *s. v.* **לטותא**.

Ll. 17–18. Comp. Harkavy, *loc. cit.*, and *Sefer ha-Shetaroth*, pp. 9, 13.

X. DECREE BY COURT CONCERNING PUBLIC SALE.

The court was compelled to sell a portion of the estates of the orphans in order to provide their sustenance. The sale is effected through auction to the highest bidder. The sale is legal and hence unimpeachable. Comp. hereon *Sefer ha-Shetaroth*, pp. 61–3; comp. also *ibid.*, p. 16. The emphasis in maintaining the legality and immutability of the sale is explained by the fact that the people who bought auctioned goods from the court were not popular; comp. Ketubbot 100 b: **בני אכלי נכסי דאכרותא**.

L. 4. **וחיי**, &c. Comp. above, to No. IX, l. 2.

L. 9. **בתיקון חכמים**. Comp. Arakin 6. 1.

L. 16. Comp. *Sefer ha-Shetaroth*, p. 43, l. 19.

Ll. 17–19. Comp. Responsa, ed. Harkavy, p. 164, and *Sefer ha-Shetaroth*, p. 18.

L. 21. **דלא כאסמכתא ודלא כטופסי דשטרי**. Comp. Baba batra 44 b, and Responsa, ed. Harkavy, No. 421.

SUPPLEMENT.

I, 1. 3. קצת and קצי in the sense of law-suit probably goes back to Arabic قضيّة, قضي, in Hebrew script קציה, קצי. This Arabic verb occurs once more in rabbinic literature, in the Targum to Prov. 17. 14 קריא = judge. Comp. Aptowitzer, *REJ.*, 1907, p. 58.

II, 1. 3. The Responsum חמרה ננוה, No. 20, with the same wording also in *Ma'aseh ha-Geonim*, ed. Epstein, p. 73. Nevertheless the text in שערי צדק is proved to be the only correct text.

Ibid. For רבנן being the designation of the Gaon of Pumbeditha, comp. Lewin, *Charakteristik und Biographie des Rabbi Scherira Gaon*, p. 3.

Ibid. The reference of the Responsum, ed. Harkavy, p. 88, to the time when Sherira withdrew from his office and the refutation of Eppenstein's deduction from this passage are further supported by Lewin, *loc. cit.*, p. 11, n. 1.

Ibid. To שער ישיבה שלימין, comp. also *ha-Goren*, I, p. 91 : מראש ימין עיר מחסה ; Lewin, *loc. cit.*, p. 3, n. 1 ; Marx in *JQR.*, New Series, II, p. 90.

III. פתיחה. On the meaning of decree of excommunication comp. Nathan ha-Babli, Neubauer, *Anecdota*, II, 86 ; Maimonides, Responsa, No. 150, superscription פתיחת החרם, see *Orhoth Hayyim*, II, p. 115 ; Ritba to Mo'ed k. 17 a below. Comp. in addition Rashi to Ps. 55. 22, and the commentary of Solomon ben ha-Yatom to Mashkin, ed. Chayes, p. 87, and notes 3-4.

III, 1. 2. בנן בי כנישתא. In Bekorot 5, 5, Tosefta, *ibid.*, III, end ; Babli, *ibid.*, 36 b below בני הכנסת designates learned people of a lower grade.

IV, 1. 2 (ופורסי). Perhaps this word is not simply a miswriting of וסופרי, but פורסי = superintendent, hence similar to the following פרנסי. As officials of Babylonian communities the פורסי are mentioned Shabbat 154 a and Yebamot 45 b. Comp. also Yoma 9 a.

IV, 1. 9 f. Comp. *Sefer ha-Shetarot*, p. 8.

IV, 1. 11. ולא תמלון ביה צלותא. Comp. hereon *Mahsor Vitry*, p. 25, No. 45.

VII. לטותא. Comp. in addition *Sefer ha-Shetarot*, pp. 7, 38, 43, 54, 60, 74; *Maḥsor Vitry*, p. 795, No. 567, p. 796, No. 568 and 571, p. 797, No. 573. *Ibid.*, p. 798, we find the following Gaonic ordinance (תקנת גאונים): וּמִי שֶׁאֵבְדָה לּוֹ אֲבִידָה יֵשׁ כַּח בִּירוֹ : (הַתְּקַנָּה נִאֲוִינִים) לַהֲבָרִיָּה הַקֹּהֵל . . . עַד שֶׁיִּכְנָסוּ כּוֹלֵן בַּחֲרָם שֶׁכֵּל מִי שֶׁיּוֹדֵעַ מִמֶּנָּה שׁוֹם דָּבָר שִׁיאֲמַר לוֹ, hence *almost verbatim* as in Schechter's Zadokite fragments! Comp. also Responsa Meir of Rothenburg, ed. Bloch (Budapest), 24 a, 158 b, 159 a, 160 a.

IX, l. 2. והיי . . . שבק. Comp. *Halakot gedolot*, ed. Warschau, 131 a, ed. Berlin, p. 315; Alfasi Yebamot XII end; *Maḥsor Vitry*, p. 791; *Sefer ha-Shetarot*, pp. 26, 54.

IX, l. 16. גזירתא. Comp. in addition *Sefer ha-Shetarot*, pp. 38, 62, 74; *Maḥsor Vitry*, pp. 796, 797.

POETIC FRAGMENTS FROM THE GENIZAH

By ISRAEL DAVIDSON, Jewish Theological Seminary of
America.

IV. A POEM BY ELḤANAN BEN SHEMARYAH.

THE following document, which Dr. Cyrus Adler was kind enough to put at my disposal, is found in a collection of Genizah MSS. which he brought from Cairo as early as 1891. It consists of a single sheet of parchment, measuring 29.2×11.4 cm. ($11\frac{1}{2} \times 4\frac{1}{2}$ in.), written on both sides. The writing is in square characters, and with the exception of the last line is legible throughout. The poem comprises sixty lines, thirty-nine of which fill one side of the sheet and the remaining twenty-one occupy the reverse side, the rest of this side being left blank. The first sixteen lines contain in acrostic the sixteen letters of the name of the author **אלחנן בירבי שמריהו**, while each alternate line of the remaining forty-four lines begins with one of the twenty-two letters of the alphabet.

While there is no positive evidence to prove the identity of this Elḥanan b. Shemaryah, there is equally no ground to doubt that he is the well-known scholar of Kairowan who corresponded with the Geonim Sherira and Hai, and was the teacher of R. Nissim.¹ If this surmise is correct,

¹ This statement is in direct opposition to the opinion of Poznański, who holds that Elḥanan was the pupil of R. Nissim (**אנשי קירואן**, No. 11). He bases his opinion on a passage in Gabirol's poem, addressed to R. Nissim,

then this document is the only poetic composition of Elḥanan that has come to our knowledge, unless his letter to the community of Jerusalem, now in the Oxford collection of Genizah MSS. (Neubauer and Cowley, *Cat.* II, 2873, 21 a), is likewise written in the poetic style. The style of the poem reminds us very much of the Ḥushiel letter (*JQR.*, XI, 643 ff.). While it has no metre, it makes use of rhyme, parallelism, and biblical allusions, and has also a number of talmudic phrases. The language is in several places obscure, but because the writing is very clear I refrain from making alterations in the body of the poem, preferring to introduce my corrections in the notes.² There is one linguistic peculiarity which is worth especial notice. In a number of cases the vowel Yod of the word **כי** is elided, and the consonant **כ** is combined with the following word.³

Although the poem seems to be complete it does not contain any direct statement as to the time or the circumstances of its composition. It opens with a eulogy of the men who acquire wisdom and learn truth and justice, who shun the path of the perverse and keep the commandments, the inheritance of the righteous (vv. 1-7). It then speaks

where Elḥanan is referred to as the **חניך** of R. Nissim (Brody, **שער השיר**, p. 37, l. 14). It is, however, impossible that Elḥanan, who was already famous as a scholar in the days of Sherir², should in his maturer years sit at the feet of a younger man. We must, therefore, construe the word **חניך** in some other way than its ordinary meaning. According to **דקדוקי סופרים** the passage in Mo'ed kaṭan 25 a, **בעת חנינתו אבר חנינו**, is given in manuscript as **בעת חניכתו אבר חניכו**. Hence **חניך** is used in the sense of father, or educator (see also Jastrow, s.v. **חניך**), and Gabirol very likely refers to Elḥanan as R. Nissim's teacher and not his pupil.

² Where the reading is very obscure I leave the text unpointed.

³ The following are the words in which the elision takes place: Ver. 53, **כנינא** for **נשאו כי**; ver. 54, **כלפושעים** for **כי לפושעים**; ver. 56, **כמאסו** for **כי מאסו**; ver. 57, **כהערו** for **כי הערו**; ver. 58, **כהרצו** for **כי הרצו**.

of the men who proved unfaithful to the traditions of their fathers and, because of their pursuit after gain, found no profit in the study of the law but much weariness of flesh (vv. 9-14). From them the poet turns abruptly to speak of the men who search after knowledge diligently and who suffer great privations for the sake of their traditions (vv. 15-28). And just as abruptly he comes back to the wicked and the foolish 'who rebel without understanding and transgress without ascertaining the truth' (vv. 29-33), who, ignorant of the law, yet speak with haughtiness, and break all bonds as if to them alone all the land was given (vv. 34-40). Then, once more, the poet turns to eulogize the men who gave up their lives for their faith, as well as those who left their homes and their possessions that they might keep the law intact (vv. 41-6). And, finally, the poet tells us that these refugees found shelter in Rome, Teman, and Kedar, and concludes with an invocation that the great deeds of these men may bring everlasting grace upon them. By Rome he very likely means the western countries of Europe, and by Teman and Kedar he means Yemen and Southern Arabia in general.

It is evident, therefore, that the poet has in mind some definite events, and we are justified in assuming that he is very probably speaking of the persecutions under the Fatimide Caliph Hakim, which lasted from 1008 to 1020, and extended over Egypt, North Africa, Palestine, and Syria (Graetz, *Gesch.*, V², 388), a fact which explains why the refugees found no other haven than Europe and Southern Arabia.

אֲשֶׁרִי אָדָם מֵצֵא חֶכְמָה, וְחָפִיץ חֲבוּנָה וּמוֹכְרִים,⁴
 לְמַחַת לֶמֶךְ הַשֶּׁלֶל, צָדֵק וּמִשְׁפָּט וּמִיִּשְׁרִים,
 חִידוֹת חֲכָמִים וְדַבְרֵיהֶם, מִשָּׁל וּמְלִיצַת סִפְרִים;
 נָבוֹן קָנָה תַּחְבּוּלוֹת, נָעַר מְנוּפָה וּמִשְׁמָרִים,⁵
 5 נָלֹוּ בַּחֵק מִעֵנָל, לְהִבִּין אֲמָרִים טְהוּרִים,
 בְּרָא שְׁמוֹעַ הוֹסֵף, מֵאֵין לִשְׁרִידִים אֲשׁוּרִים,⁶
 יִרְאֵת י' וּמִצּוֹתָיו, מוֹדֶשָׁה קֹהֶלֶת יִשְׂרָאֵל,⁷
 רְגוּשׁ יְבוֹר הֵיטֵב, מִהֶעֱנִשׁ כִּפְתָּאִים חֲסִידִים,⁸
 בְּנֵי מִסּוּרֵת אֲבָתָם, בְּיָדָם מִסִּינֵי מִסּוּרִים,⁹
 10 יָעוּ לְהֵג הַרְבֵּה, וְעָמַל וַיִּנְיַעַת בְּשָׂרִים,¹⁰
 שָׁקַד דָּלֶת צְרִיכִים, עֲרָבִים שְׁחָרִים חֲבֵרִים,¹¹
 מְעַבֵּר לֹא הִיא, בְּכֻנִּים סַחְרָנִים תִּנְרִים,¹²
 רְמִים¹³ לֹא תִמְצָא, בְּנֹאֶה וְנֹאֶן וַיִּחִירֵם,¹⁴

⁴ The introductory eight lines are in greater part a paraphrase of Prov. 3. 13 and 1. 3-6.

⁵ Cp. *שמרנו מישמרתו* Mal. 3. 14.

⁶ Cp. Prov. 2. 15.

⁷ The text is obscure and very likely corrupt. Read perhaps *בְּרָא שְׁמוֹעַ* *בְּרָא שְׁמוֹעַ* *הוֹסֵף, אֵין לִשְׁרִידִים אֲשׁוּרִים* and with reference to Deut. 18. 16 and Ps. 17. 5 render 'To continue to hear [the voice] of the creator, to strengthen the steps of the survivors'.

⁸ The verb *לשמור* is to be supplied at the beginning of this verse.

⁹ I suggest reading *רְגוּשׁ יְבוֹר הֵיטֵב מִהֶעֱנִשׁ בְּכָתָאִים חֲסִידִים* and with reference to Ps. 55. 15 and Eccles. 10. 3, render: 'He chooses to throng [the house of the Lord] rather than be punished like the fools [whose understanding] fails them'.

¹⁰ Cp. Abot 1. 1; 3. 13.

¹¹ Cp. Eccles. 12. 12.

¹² 'The students have to watch the gates [of learning] evening and morning.' Cp. Prov. 8. 34: Lowe, *The Mishnah on which the Palestinian Talmud rests*, Berakot 1. 1, 4 (בשחרים . . . בערבים).

¹³ With reference to Ezek. 27. 9, I suggest reading *מְעַבֵּר לֹא הִיא*, that is, the law is no merchandise among tradesmen and venders.

¹⁴ Plural of *רם* (Jer. 48. 29), the meaning is that the law can find no distinction among people that are haughty and proud.

יָרִיז רַע בְּנֶלֶם,¹⁵ אַחֲרַי בְּצַעַם נִמְחָרִים.¹⁶
 הוֹמִיּוֹת תִּקְרָא תִרְוֹן,¹⁷ בְּתַחִילָה בְּרֹאשׁ הָרִים
 וְלִבְסוֹף עָלֵי דָרֶךְ, בְּמִשְׁפָּיִמִים יִשְׁבֶּת מֵאַחֲרִים,¹⁸
 אִם לְבִינָה קוֹרִים,¹⁹ בְּעִיר בְּפִתְחֵי יִשְׁעֵרִים,²⁰
 בְּכֶסֶף וְזָהָב יִבְקֹשׁוּהָ, וּבְחִיפּוּשׁ מְטֻמְנֵי מִסְתָּרִים,²¹
 בְּמוֹסַר אֲבִיהֶם חֲבוּ, גּוֹלִים בְּפָרִים וְעָרִים,
 מִדְּבָרוֹת²² צוּי לִישָׁא, יִשְׁבַּעַל פֶּה מִדְּבָרִים,
 וְלִלְמֹם²³ חֶרֶב יִשׁוּפִים,²⁴ לְהִזְקִי חוֹרֵב מִתַּחְדָּרִים,
 קוֹצוֹת תִּלְתָּלִים, לְבָאֵר,²⁵ עֲלִיהֶם בְּעוֹרֵב מִיִּשְׁתַּחֲרִים,²⁶
 דְּבָרֵי חֲכָמִים קְדָמוֹנִים, לְמוֹד רְבוּתָם מִתַּאֲצִירִים
 אֶסְפּוֹת אֶסְפּוֹת, קְבוּעִים נְטוּעִים בְּדָרְבָן וּבְמִסְמָרִים,²⁷
 הוֹלִכֵי חֵם צְדִיקִים, בְּפֹקְדוֹ פִּקְדוֹ פִּירִים,²⁸
 לֹא פָחַתוּ וְהוֹתִירוּ מִהוֹרִיּוֹת יִשְׁחֹרְדוּ²⁹ מִהוֹרִים,

¹⁵ Prov. i. 16.¹⁶ Ezek. 33. 31.¹⁷ Prov. i. 21.¹⁸ Isa. 5. 11.¹⁹ Prov. 2. 3.²⁰ *Ibid.* i. 21.²¹ *Ibid.* 2. 4.²² Deut. 33. 3. The meaning of verses 19 and 20 is that they gathered together for instruction (מוֹסַר אֲבִיהֶם), wandering from village and town, to receive the words commanded as well as the laws handed down orally.²³ Cp. Ps. 139. 16.²⁴ Cant. R. i. 6.²⁵ This verb is to be taken with מִתַּאֲצִירִים in the next line.²⁶ Cp. Cant. 5. 11. Suffering is metaphorically expressed by saying that the face has become black. Cp. the expression שְׁחֵחִירוֹ פָּנָיו בְּתַעֲנִיּוֹת (Ex. R. i).²⁷ Cp. Eccles. 12. 11. The meaning of vers. 22-4 can best be shown by rearranging the words as follows: קוֹצוֹת תִּלְתָּלִים עֲלֵיהֶם בְּעוֹרֵב מִיִּשְׁתַּחֲרִים [בִּשְׁחֵם] מִתַּאֲצִירִים אֶסְפּוֹת אֶסְפּוֹת לְבָאֵר לְמוֹד רְבוּתָם דְּבָרֵי חֲכָמִים קְדָמוֹנִים [יִשְׁחֵם] כְּדָרְבָן וּבְמִסְמָרִים קְבוּעִים נְטוּעִים.²⁸ I take the word פִּירִים as a pass. part. of פִּוֵּר (cp. הַתְּפוֹרֶרֶה אֶרֶץ, Isa. 24. 19), and render the verse: 'The righteous who walk in integrity, though broken [in spirit] observed as they were commanded.'²⁹ Hof. of יִרָה, not biblical.

וְלוֹוֵי כִכָּה עָשָׂה, וְלֵב טָהוֹר וְהִרְהוּרִים,
 הִתְבֵּן דָּרָךְ וְנָתִיב,³⁰ הִנְעֵל פָּחִים וּמִכְמוּזִים.
 זֹרוּ רִשְׁעִים תַּעֲזוּ, קִדְמוּ מִבֶּטֶן כָּרִים,³¹
 בָּנִים בְּלֹא־אֶמֶן,³² בָּנִים סְכָלִים,³³ מֵרִים,³⁴
 חָלְפוּ עָבְרוּ חֶק, בְּרִית עוֹלָם מִפִּירִים,³⁵
 מִבְּלִי דַעַת וּבִין, כְּסוּס כִּפְרֵד בְּעוֹרִים,³⁶
 טָרָם יְבִינוּ יָמָרוּ, טָרָם יִרְעוּ עוֹבְרִים,
 נִשְׁאָלִים רַבִּי תוֹרָה, נוֹאֲלוּ נְחֻטְבוּ בָּוִים,³⁷
 יִמִּיקוּ,³⁸ יִכְתְּבוּ וְסוּרִים,³⁹ יִחַגּוּ יִנּוּעוּ בִּשְׂבוּרִים,⁴⁰
 יִדְבְּרוּ בְצֹאֵר עֶתֶק,⁴¹ הִרְיוֹטוֹת⁴² בָּאוֹת נִשְׁבָּרִים,⁴³
 בְּחִשְׁוֵי כְּתָדוֹ מֵאַבְתָּם,⁴⁴ לְמִדּוֹ בְּנִיהֶם סוּרִים,
 פָּרְעוּ פָּרְעוּ נוֹצְרִים, סִיגִי הִמָּה הַיּוֹצְרִים,⁴⁵
 לָהֶם לְבָדָם הָאֶרֶץ מֵהַצִּמָּח קוֹצִים וְדֹרְדָרִים⁴⁶

³⁰ Cp. Ezek. 18. 25. The Hif. of *תבן* is not biblical. The meaning of verses 27 and 28 seems to be that if only every one did the same as these righteous people did, and if the heart and mind were pure, then the way would be measured and safe from traps and snares.

³¹ Ps. 58. 4.

³² Deut. 32. 20.

³³ Jer. 4. 22.

³⁴ Cp. *המרים נא*, Num. 20. 10.

³⁵ Isa. 24. 5.

³⁶ Cp. Ps. 32. 9.

³⁷ Hos. 8. 12.

³⁸ Ps. 73. 8.

³⁹ The *ו* of *וסורים* may be a dittograph on account of *יכתבו*, or else read *יכתבו וסורים*, cp. Isa. 10. 1.

⁴⁰ Ps. 107. 27.

⁴¹ Ps. 75. 6.

⁴² Sanhedrin 10. 2 (90 a).

⁴³ Jer. 2. 13.

⁴⁴ Job 15. 18.

⁴⁵ The meaning of this verse is that these wicked people tore down the fences and raised up others as if they were the creators (*המה היוצרים*), not the created (*נוצרים*).

⁴⁶ Supply the word *תחדול* before *מהצמח* and the verbs in the next verse, i. e. as if for them alone the earth ceases to bring forth thorns and thistles.

מִהֶפֶקֶט⁴⁷ יִינֶם שְׁמָנָם, מִהָעָרֶב מִרְקָחָם שְׁמָרִים. 40 (verso)

כִּסְרוּ עֵצָמָם יָקָרִים, לִבְאִים לְהָאִיר מִעֲבָרִים⁴⁸,

מִי מִוֶּהם בְּחָרֶב, מִי גּוֹפִים מִחֲבָבִים⁴⁹,

נִכְרָכִים לֹוִטִים⁵⁰ סָפְרִים, בָּלִים בַּעֲשֹׁן בְּכָרִים⁵¹,

מִלְשֻׁבַּח מִיִּסּוּג אַחֲזִירִים, מִבֶּף לֶאֱר מִהָרִים⁵²,

סֹבְלֵי עוֹלָם בַּעֲוֹדָם, מַעֲזֹן וְעוֹנֵשׁ יוֹסִירִים, 45

סָעוּ⁵³ וְתִלְמוּדָם בִּידָם, וְהִנִּיחוּ יִתְרָם לַנִּצְרִים⁵⁴.

עֲנִיִּים מַצָּאוּ מִיָּם⁵⁵, עוֹלָלִים לָחֶם אֲבִירִים⁵⁶,

שִׁלְחוּ מֵלֵא דִשֹׁן⁵⁷, מִבְּלִי שֹׁן⁵⁸ וּמְחִירִים,

בְּיָדוֹ נִתְּנוּ אֲבִיוֹנִים⁵⁹, צָחָה צָמָא⁶⁰ חָרִים,

הִכִּינוּ לָהֶם צֵד⁶¹, בְּרוּמָה וְתִימָן וְקָדְרִים, 50

צִדְקָתָם לְעֵד הַעֲמֹד⁶², וְרָעַם לִפְנֵיהֶם שְׁמוּרִים⁶³,

לָעַם נוֹלָד, שִׁעֲשֹׂו⁶⁴, הָרִי הֵם לָהֶם בְּשׁוּרִים⁶⁵,

⁴⁷ Hif. of פקט 'to ferment'. The meaning of this verse is that these wicked people regarded themselves above the laws of nature, and therefore their wine and oil would not ferment, and their perfumes would not be mixed with lees.

⁴⁸ In this verse the poet turns again to the righteous and says that they surrendered themselves to those who came to light up the roads. What he means by this is not clear to me.

⁴⁹ Cp. the expression כל גופו ככברה, Taanit 22 b.

⁵⁰ Cp. 1 Sam. 21. 10.

⁵¹ Jer. 51. 40.

⁵² For ממהרים, the meaning of verses 42-4 is that these pious people gave themselves up to the sword and fire rather than forget the law and turn away from it to clasp the hand of the stranger.

⁵³ A païtanic usage instead of נסעו, cp. Kalir Sheḡalim: סע ועף בבצע: שקלי חשרי.

⁵⁴ They left their possessions to the wily of heart. Cp. Prov. 7. 10.

⁵⁵ Isa. 41. 17.

⁵⁶ Ps. 78. 25.

⁵⁷ Job 36. 16.

⁵⁸ Païtanic usage for שוה כסף.

⁵⁹ Ps. 112. 9.

⁶⁰ Isa. 5. 13.

⁶¹ Joshua 1. 11.

⁶² Ps. 112. 9.

⁶³ Cp. Job 21. 8.

⁶⁴ Cp. Ps. 22. 32.

⁶⁵ The meaning of the verse is that the deeds they have done will be as an atonement for the people that shall be born.

קָרְנָם תָּרוֹם בְּכָבוֹד, ⁶⁶ בְּנִשְׁאוֹ חֲטָא עֲדָרִים, ⁶⁷
 חֲפָצָם בִּידָם יִצְלַח, ⁶⁸ בְּלִפְּשָׁעִים נִמְנוּ עֲתָרִים, ⁶⁹
 55 רָאוֹת חֶלְקָם בַּחַיִּים, ⁷⁰ מַעֲמַל נַפְשָׁם שְׂבָרִים, ⁷¹
 בְּמַאֲסוֹ חַיֵּי שְׁעָה, ⁷² וּבְחֲרוֹ חַיִּים וְמוֹרִים,
 שְׁלַל עֲצוּמִים יַחֲלֹקוּ, בְּהֲעֵרוּ נַפְשָׁם שְׂבָרִים, ⁷³
 דְּשִׁנִּים וְהַעֲנִיִּים יִהְיוּ, ⁷⁴ בְּהֲרִצּוֹ לְעִבּוּרִים בְּפָרִים, ⁷⁵
 תִּמְתָּם תִּנְחָם לְעוֹלָם, ⁷⁶ רָבְצוּ מִלְּאוֹ עֲדָרִים, ⁷⁷
 60 בְּכֹבְדִים אוֹרָם [בָּהּ] יָרִים, ⁷⁸ כִּצְדָקוֹ . . . קוֹל . . . רִים

V. FROM A DIVAN OF SOLOMON IBN GABIROL.

IN 1858 Leopold Dukes published a volume of Gabirol's secular poems which he gathered from manuscripts in Oxford, Parma, and Vienna.¹ With the exception of two poems which were in the possession of Carmoly, and to which Dukes evidently had no access, this volume, though containing only sixty-nine poems, represented almost all that was known of Gabirol's secular poetry.² Ten years

⁶⁶ Ps. 112. 9.

⁶⁷ Cp. Lev. 20. 20 and Yebamot 55 a. See also above, n. 3.

⁶⁸ Cp. Isa. 53. 10.

⁶⁹ Cp. Isa. 53. 12 and Zeph. 3. 10. The meaning is that they were numbered among the transgressors though they were engaged in prayer.

⁷⁰ Cp. Ps. 142. 6.

⁷¹ Cp. Isa. 53. 11.

⁷² Berakot 48 b.

⁷³ Cp. Isa. 53. 12.

⁷⁴ Ps. 92. 15.

⁷⁵ With their suffering they atoned for the communities as with offerings of bullocks (Lev. 4. 13-21). Cp. Siphre, Deut. 32: כֶּשֶׂם שְׂקִרְבָּנוֹת מְרִיצִים: כך יִסּוּרִים מְרִיצִים.

⁷⁶ Prov. 11. 3.

⁷⁷ Cp. Zeph. 2. 14.

⁷⁸ Cp. Dan. 12. 3.

¹ Dukes, *שירי שלמה*, Hannover, 1858.

² *Id.*, *Salomo ben Gabirol aus Malaga*, Hannover, 1860, pp. 13, 14. Dukes claims that he published all the poems of Gabirol, even the fragments, but the fact is that he overlooked some poems even in the Oxford MS., as, for instance, the poem *נער איזר תונה* reproduced below.

later, in 1868, Senior Sachs made an attempt to gather and elucidate the religious poetry of Gabirol.³ But his method of elucidation was so comprehensive that in a work of 167 pages only 29 short poems were reproduced.

Neither Dukes nor Sachs made any reference to a complete, independent Divan of Gabirol's poems. Steinschneider's list of 65 poems is based on the Oxford MS. *מחנה הנשאר*, which is only an appendix to the Divan of Judah Ha-Levi (*מחנה יהודה*), and contains the compositions of many other poets;⁴ while Luzzatto, who began to make a list of Gabirol's poems, likewise made no mention of any special collection.⁵

The first intimation of the existence of a Gabirol Divan was given by Harkavy in the prefatory note to four poems of Gabirol published by him in 1893,⁶ although he did not emphasize this point.⁷ Then came the list of 114 poems published by Neubauer⁸ from a Genizah manuscript which seems to have been originally an index to a Divan of Gabirol.⁹ Further proof that the poems of Gabirol were at one time gathered into a Divan has been furnished by the thirty-three leaves from the Genizah in the possession of

³ Sachs, *שירי השירים*, Paris, 1868.

⁴ St., *Cat. Bodl.*, pp. 2336-7; Neub., *Cat.*, 1970, III.

⁵ Luzzatto, *לוח הפייטנים*, p. 102. In *השלה*, I, 38, David Kahana states that he compiled a list of Gabirol's poems, but does not speak of any special Divan.

⁶ Harkavy, *חדשים גם ישנים*, No. 3 (published as supplement to *המליין*, 1893, No. 144, under the title of *ארבעה מאמרים*), p. 4.

⁷ He merely says: *בחלק מדיואן רש"ב בנ"י מצאתי וכו'.*

⁸ *Gedenkbuch zur Erinnerung an D. Kaufmann*, Breslau, 1900, pp. 279-87.

⁹ Neub. and Cowley, *Cat.*, No. 2835¹⁷. It may be of interest to know that just as in MS. Oxford No. 1970 the poems of Gabirol follow the poems of Judah Ha-Levi, so also in this index the record of Gabirol's poetry follows that of Ha-Levi's.

E. N. Adler. This fragment, which has been identified and edited by Brody,¹⁰ contains the greater part of thirty-four poems of Gabirol,¹¹ thirteen of which had been entirely lost to us.¹² And now we have in the fragment from the Taylor-Schechter collection, reproduced below, additional and conclusive corroboration that Gabirol's poetry had already long ago been gathered in one independent collection.

Our fragment (T-S. LOAN 69) consists of two mutilated leaves of paper, the first of which is only about four-fifths of its original size (17 × 16 cm.). The second leaf, still preserving its original size (21 × 16 cm.), has also preserved its original pagination, and bears the number 30 (i.e. ל). The poems, written in a cursive hand, are numbered from 122 to 126. And since the leaves are consecutive we have in this fragment ff. 29 and 30 of what was once a Divan of Gabirol's poetry. The name of Gabirol, it is true, is not mentioned in the fragment, but there cannot be the least doubt that the poems are his. For No. 122 is also found in the Oxford MS.,¹³ No. 123 is mentioned in Neubauer's list,¹⁴ No. 124 is the oft reprinted poem beginning מליצתי בראגתי, and No. 126 has likewise been included in Dukes's edition.¹⁵ The only poem of which there was not even a record until now is No. 125, and that poem could be recognized as Gabirol's by its very diction, as will be pointed out in the notes to the text. Our fragment, therefore, gives us two poems for which there is no other source at all, one

¹⁰ *MGWJ.*, LV, pp. 76-97.

¹¹ The fragment contains thirty-six poems, but Brody doubts Gabirol's authorship in two cases: fol. 30 a, b and fol. 33 a.

¹² See *ibid.*, p. 92, where Brody gives a list of them.

¹³ *St., Cat. Bodl.*, p. 2337, No. 54.

¹⁴ *Gedenkbuch*, p. 286, col. 3, No. 22.

¹⁵ שירי שלמה, No. 69.

poem which is found also in the Oxford MS., and two others which give us better readings than that of the printed texts.

The first poem (No. 122) is an elegy on his father's death.¹⁶ From the expression **אבי אשר היה ערי תבל** (ver. 5) we may infer that his father was a man of importance, and from the last verse, in which he consoles himself with the fact that he is safe from further sorrow (**דן כי מגורי בא, ונפשי עיר לא תחזה רעה, וואת דיה**), we may infer that his father was the last of his kin to die.¹⁷ The second poem (No. 123) seems to be a satire on some versifiers who had no talent for poetry. It reminds us of another long poem of Gabirol on this subject, and recalls to mind some of its phraseology,¹⁸ as will be pointed out in the notes to the text. Only the first five lines of this poem are preserved, and by comparing the number of lines on fol. 29 b with the number of lines on fol. 30 b we find that of the twenty-eight lines only eight are missing. I, therefore, assume that five of these eight belonged to No. 123, making the whole poem consist of ten lines, one was the opening line of No. 124, and the remaining two lines must have contained a superscription to No. 124.¹⁹

¹⁶ This was already pointed out by Brody (*MGWJ*, LV, p. 95, note 72), from his study of the Oxford MS.

¹⁷ To establish the text of No. 122 of our fragment with greater facility and precision, my friend Prof. Marx obtained for me through Prof. Cowley a facsimile of two pages of the Oxford MS. (Pococke 74, fol. 170b-171a). These two pages contain the last twenty-four verses of the poem **עטתה הוד** **ש"ש**, and Nos. 122, 124 as well as the first nine lines of No. 126 of our fragment.

¹⁸ I have reference to the poem **עטתה הוד** (see Sachs, *התחיה*, I, 47-56; Dukes, **ש"ש**, No. 9; Graetz, **שושנים**, *לקט*, p. 49).

¹⁹ It is, however, possible that fol. 29 b contained originally twenty-nine lines like fol. 30 a, in which case nine lines would be missing. Two of these must have belonged to No. 124, one as superscription and one as the opening line, and the remaining seven must have been part of No. 122, making it consist of twelve verses.

The third poem (No. 124) has already been published five times,²⁰ and I would have refrained from reproducing it a sixth time were it not for the fact that our Genizah fragment presents the best text so far known, and does away with some of the far-fetched interpretations to which the commentators were forced to resort. As Sachs has pointed out,²¹ this poem is in the form of a dialogue between Gabirol and some friend to whom he complains of his misfortunes. Verses 1, 2, 5, 6, 9, 10 are spoken by Gabirol, and verses 3, 4, 7, 8 by his friend. The fourth poem (No. 125) seems to be a conciliatory epistle, written to a friend with whom he had quarrelled, but whose friendship he wished to retain, provided the friend admitted he had acted wrongly (compare verses 21-24). The identity of this friend, however, is impossible to establish. As stated in the tenth verse, this poem was written at the age of 16, and its phraseology reminds us of another poem written in the same year.²² Altogether, then, we know with certainty of five poems composed by Gabirol at this early age. They are *אני השׁר*,²³ *התלענ*,²⁴ *מליצתי בדאגתי*,²⁵ *עטמ הור*,²⁶ and *תהלת אל*, the first twenty-nine lines of which are found in the last poem of our fragment (No. 126). This poem was published once by Dukes,²⁷ but his text is so faulty that instead of merely giving the variants I feel justified in reproducing the

²⁰ לקט שושנים (1858, No. 3; שירי שלמה (1850), p. 1; גנוי אקספרד (1862), p. 37; רבי שלמה בן גבירול וקצת בני דורו (1878?), pp. 8-12; שער הישר (1906), p. 36.

²¹ רש"בג וקצת בני דורו, p. 8.

²² See notes to the text.

²³ רש"בג וקצת בני דורו, p. 12. Sachs conjectures that it is probably another version of the poem *עטמ הור* (*ibid.*, p. 13).

²⁴ = No. 125 of our fragment.

²⁵ See above, n. 20.

²⁶ See above, n. 18.

²⁷ שירי שלמה, No. 69.

complete text of our fragment, though it is but a small part of the whole poem.

In addition to the text of the poems I deem it proper, in this connexion, to present in an appendix a number of corrections to the Genizah index published by Neubauer. As Neubauer himself informs us in his prefatory note,²⁸ it was impossible for him, on account of his poor eyesight, to add any comment to the text, and the identification of many of the poems was made by Halberstam. Yet there are many poems still unidentified, and the few identifications which I add may prove of service to students of Gabirol's poetry. A full list of Gabirol's poems, giving the printed and manuscript sources, would fill a long felt want. But this must be reserved for another occasion. Meanwhile let us hope that Dr. Brody will be enabled to complete his excellent edition of Gabirol,²⁹ and make such a list unnecessary.

וְלֹא פ . . . בִּאר . . . אַצְטַבֵּאר . . .³⁰

— — — — —

קָבֵב תוֹגָה אֲשֶׁר נֶעְדֵּר בְּאֵב צָרָה יֵשֶׁח לִבִּי בַעֲלוֹת שְׁפִיָּה³¹
בְּפוֹה תִּצְיָקִנִי לְעֵת עָרֵב עַד אֲהִיָּה עָרֵב לְמוֹל שְׁתִּיָּה³²

²⁸ *Gedenkbuch*, p. 279.

²⁹ *שיר השירים*, Berlin, 1898-1900, 8°, 36 + 28 pp.

³⁰ In the Oxford MS. there is no superscription. Words enclosed in brackets are supplied from the Oxford MS. unless otherwise stated in the notes.

³¹ This verse is to be construed as if it read *באב [מארין] יֵשֶׁח לִבִּי בַעֲלוֹת שְׁפִיָּה* תוֹגָה, אשר נעדר צרה, שפיה, which may be rendered: 'My heart is bowed down like a ghost from the ground (cp. Isa. 29. 4) when my grief, for which there is no balsam, reaches its height (cp. Num. 23. 3).'

³² Cp. Lev. 13. 52. The fragment reads: *לְמוֹ שְׁתִּיָּה*.

מִהֲבֹכֵי אוֹ יַעֲלֶה בְּכִיָּה ³⁴	כָּל אֶקְרָאָה עֵינֵי לִבִּי תִכְלֶה ³³
דִּמְעָה בְּעֵינֵי הַבּ [זֶב] חִיָּה ³⁶	אֲבִכָּה וְעוֹד אֲבִכָּה וּבִלְתִּמּוֹת ³⁵
לֹא מִה שֶׁכּוֹל ³⁷ אֵיךְ נִ[עַל] הָ עֲרִיָּה	5 אָבִי אֲשֶׁר הָיָה עָרִי תִבֵּל
וַיִּטְרְפוּ מִלֶּה [ק] ת אֲרִיָּה ⁴⁰	אֵיךְ יַעֲלֶה ³⁸ עָלָיו בְּנוֹת יָמִים ³⁹
בְּצִרּוֹר מְנוּחָה [הִי] ת [ה] עִסְיָה ⁴¹	הָיָה לְאוֹת צִדְקוֹ אֲשֶׁר נִפְשׁוּ
רַב מֵאֲשֶׁר תִּתֶּן לָךְ שִׁבְיָה ⁴²	אֵד תֵּאֱמָן לְבִי בְּתִבֵּל כִּי
לְשִׁחוּט אֲנָשִׁים שְׁחָטָה [חֲצִי] יָהּ ⁴³	דַּע מֵאֲדָמָה אַחֲרֵי זֹאת כִּי

³³ Cp. Lam. 2. 11.

³⁴ This verse is thus to be rendered: 'The more I call unto mine eye not to grow weak with weeping the more it weeps.'

³⁵ MS. Oxford reads: אבכה וכל אבכה וכל תמות.

³⁶ The meaning of the last two words is not clear to me. Perhaps we may construe the phrase to mean that the eye is constantly flowing with tears like he who has an issue (cp. Lev. 22. 4) and read הַקֹּבֵב חִיָּה, or perhaps read חִיָּה הַקֹּבֵב, i.e. the tear which the pain has revived never ceases.

³⁷ The meaning of this phrase is obscure. Perhaps we ought to read לֵאמֹה שֶׁכּוֹל (cp. Isa. 47. 9). MS. Oxford reads: לֵאמֹה שֶׁכּוֹל.

³⁸ Our fragment reads: אֵיךְ יַכּוּ.

³⁹ On the frequency of this and similar metaphors in the poetry of the Spanish-Arabic period see Goldziher, 'Bemerkungen zur neuhebräischen Poesie' (*JQR.*, XIV, 721). Following is a list of the verses in the poems of Gabirol in which the expression בְּנוֹת יָמִים occurs. Dukes, *שלמה*, No. 6, ver. 1; No. 9, ver. 6; No. 10, ver. 5; No. 15, ver. 1; No. 16, ver. 9; No. 22, ver. 6; No. 62, ver. 5; in No. 24, ver. 10, the expression בְּנֵי יָמִים is used.

⁴⁰ The suffix refers to תִּבֵּל in the preceding verse.

⁴¹ His righteousness has been a sign that his soul is bound up in peace with God.

⁴² The word תִּבֵּל is used here in the sense of 'fortune', and the poet warns us not to put our trust in fortune, because her spoils are greater than her gifts.

⁴³ Henceforth (אֲחֵרֵי זֹאת) know this of the world that she sharpens her arrows (cp. Jer. 9. 7) to kill men. The form חֲצִיָּהּ, which presupposes a root חָצַי, can be explained by 1 Sam. 20. 38.

10 תִּצַּר כְּטַעַת עָלַי אֶצְפֶּע אִם לֹא יִהְיֶה דָּיהָ כְּמוֹ עֲבִיָּה⁴⁴
 שֶׁבֶר לְאִישׁ יָסוּר לְכָבוֹ עִם הוֹדָה וְנִטָּה אַחֲרֵי יָפִיָּה⁴⁵
 אֶלְבֶּשׁ לְבוּשׁ יָנוֹן וּבְרָאוֹתַי תִּכַּל כְּמוֹ עֵץ וְאַנּוּשׁ פְּרִיָּה⁴⁶
 אֲשׁוּב לְכַפּוֹת אֵשׁ כְּאֵב נַפְשִׁי כִּי הִקָּאֵב יוֹסִיף עָלַי חֲלִיָּה
 ד[י], כִּי מְגוּרִי בָּא⁴⁷ וְנַפְשִׁי עוֹד לֹא תַחֲזֹה רָעָה וְזֹאת דָּיָה⁴⁸

וּכְתַב אֵלַי בַּעֵץ אֲכֹאנָה יָדִם מִן אֲדַעִי

צִנְאָעָה אֶל שַׁעַר מִן גִּיר אֲחִסָּאן לָהּ⁴⁹

— — — | — — — | — — —

קָכָנִי יְדִידִי צִמְקוֹ דְּדִי⁵⁰ תְּבוּנָה וְסָפִי יוֹנְקִי הַשִּׁיר וְכָלִי⁵¹
 וְנִהְרָסוּ שְׂתוֹת⁵² בּוֹנִי וְאֶבֶן עֲדָנִי⁵³ נוֹשְׁנִי⁵⁴ הַיּוֹם וּבְ[לֹו]
 [וְ]קָרוֹ יוֹדְעִי⁵⁵ אֲנִשִּׁי עֲצָתוֹ וְנִדְּרוֹ כָּל מִידְעִי וְגָלִי

⁴⁴ The world presses [on man] like a ring on the finger when it has not enough of breadth to fit the thickness [of the finger]. The fragment reads : אִם לֹא יִהְיֶה בִּיהָ כְּמוֹ עֲבִיָּה, MS. Oxford reads : בטבעת.

⁴⁵ Woe to the man whose heart turns after her splendour and inclines to her beauty. MS. Oxford reads : שֶׁבֶר לְאִישׁ יִצוֹר לְבָבִי.

⁴⁶ Construe this verse as if it read : פְּרִיָּה אֶלְבֶּשׁ . . . וּבְרָאוֹתַי תִּכַּל . . . לְבוּשׁ יָנוֹן.

⁴⁷ MS. Oxford reads : כִּי מְגוּרִי בָּהּ.

⁴⁸ In the last two verses the poet tries to console himself by the fact that the death of his father is the last blow that fate can aim at him.

⁴⁹ 'He wrote to one of his friends blaming him who laid claims to the art of poetry without possessing the gift for it.' In deciphering this, as well as some of the other Arabic superscriptions that follow, I consulted my friends Prof. Israel Friedlaender and Mr. B. Halper.

⁵⁰ Cp. Hos. 9: 14 and the expression דְּרִים בְּמָקוֹם בִּינָה (Berakot 10 a).

⁵¹ A similar expression is found in the poem הוֹדָה עֲטָה הוֹדָה (שִׁירֵי שְׁלֹמֹה), No. 9; הַתַּחֲחִיָּה, I, pp. 47-56), v. 70.

⁵² Cp. Ps. 11. 3.

⁵³ אֲדָנִי (Exod. 35. 11) would be better suited to the metaphor.

⁵⁴ Cp. Deut. 4. 25.

⁵⁵ יוֹדְעִי would be more correct.

5 שִׁטְפָנִי ⁶² לִבִּי מְעוֹרֵר
 וְעַל־כֵּן הֵיטָה נִפְשִׁי כְּפֹפֶה
 וְשֵׁם הַבֵּין וְהַמוֹסֵר מִנְתּוֹ
 וְנִפְשִׁי הִחְרָצָה שֵׁם כְּצֹפֶה
 וּמִה־בִצֵּעַ בְּהִתְקַצֵּף ⁶³ אֶכֶל דּוֹם
 וּמִה־יִזְעִיל בְּכוֹת עַל הַמְּצֻקִּים
 וּמִה־אוֹחִיל וְעִד־בְּמָה אֶחֱלֶה
 10 וְטָרָם בּוֹא צָרִי־גִלְעָד וְיָמוֹת
 אֲנוֹשׁ נִכְאָב אֲשֶׁר נִפְשׁוֹ נִגּוּפָה, ⁶⁴

ולא קצירה צנעה פי

אבתראיה בקול אלשער ⁶⁵

קֹכָה הִתְלַעַג לְאָנוֹשׁ יַחִיר בְּדוֹרוֹ [ת] ⁶⁶
 אֲשֶׁר הַתּוֹם וְהַיּוֹשֵׁר לְבוֹשׁוֹ ⁶⁷
 אֲשֶׁר לָבוֹ בַּחֹל נִכְבֵּד בְּיוֹם בּוֹ
 וַתִּבְנוּ אִישׁ אֲשֶׁר לָבַשׁ יָקָר [ו]ת ⁶⁸
 וּבָחַר בְּאַמּוֹנָה מִבְּחֹרוֹת
 יוֹם יָשָׁאן יוֹם עֲבָרָה וְצָרוֹת
 אֲרִיִּים לֹא עֲמָמָה ⁶⁹ וּכְפִיו
 5 בְּלָבוֹ נִפְלְאוֹת חֲכָמָה וּמוֹסֵר
 אֲשֶׁר הֶבֶל רִיחַ בָּם צָרוֹת
 לֶךְ אוֹמֵר שִׁפְתֵּי לֹאִישׁ ⁷⁰ מַחְתָּה

⁶² MS. Oxford and printed texts read: שִׁפְטָנִי.

⁶³ *Ibid.*, להתקצף.

⁶⁴ *Ibid.*, אנוש נכאב וינגף נגופה, which is difficult to explain, for נגופה could not refer to אנוש, and the abstract noun is נגיפה, but in our text it refers correctly to נפשו.

⁶⁵ A *kasida* composed when he began to write poetry.

⁶⁶ The manuscript reads בְּדוֹרוֹ, but the nature of the *kasida* requires that the first hemistich of the first line should have the same ending with which the whole poem rhymes. For a similar expression see his poem דוֹר, עֲמָה דוֹר, וְדַע כִּי הֵנָּה יַחִיר בְּדוֹרֵךְ: ver. 3.

⁶⁷ The same phrase is found in the above-mentioned poem, ver. 91.

⁶⁸ Ezek. 31. 8.

⁶⁹ The word מִשְׁחָד is to be understood. Cp. מִשְׁחָד בִּשְׁחָד, Isa. 33. 15. Manuscript reads שֵׁם נְעוּרוֹת.

⁷⁰ Manuscript reads לֶךְ אוֹמֵר לֹאִישׁ שִׁפְתֵּי מַחְתָּה, but the metre requires the transposition.

וְקוֹם וּבָרַח וְעִבְרָה מִעֲבָרוֹת ⁷¹	שָׁמַע מִלִּי וְהָטָה אָזְנוֹךָ לִי
בְּצִיר יִכְאִיב לְבָבָךָ כִּמְ... ⁷²	בְּטָרֶם לֹא אֲשִׁימָךְ נַע... ר
כְּמִכְבֶּדָה עֲצִירָה בְּנִעְרוֹת ⁷³	וְתַחִיל בְּחֵמַת חֲצִי אֶמְרָ[י]
ל	
וְשִׁשְׁעֶשְׂרֵה שָׁנוֹתֵי כֶּם סְפִירוֹת	(fol. 30a) ... ה ⁷⁴ אֲנִי יָמֵי מַעֲוִיטִים
וְכָל אוֹחוֹ אָבָל כִּי בְּמִקְרוֹת	10 ⁴ ... וְלוֹ דַּר ... נְתִיבֵי
וְכָל נֶפֶשׁ תִּבְקֹשׁ הַבַּעַל[וֹרִית]	...
וְיִצְיֵא מִסְלָעִים
וְהֵם אֵל כָּל ... רוֹת	...
וְגַם לִי מַחֲזָה ... הַמָּוָה ... ת	15 ...
וְנִפְיֵשׁ מִנִּפְשׁוֹת
לְחַרְפָּה תוֹךְ גְּוִיָתָם אֲסוּרוֹת	... עַת ... לְבִי
אֲכָל וְשָׁתָה לְשִׁבְעָה מִמְּרוֹרוֹת	וְאֵם עַל חֶפֶךָ מִדְּבַשׁ קוֹם
לְמַעַן מָאָסִי עֵינָיו בְּאוֹרוֹת	וְהַעֲדִיר יִסְרָר בְּחִשְׁבָּה
וְיִסְרָר מִשְׁלִי רֹאשְׁךָ עֲטָרוֹת	20 וְתִלְחַף בְּאַבְל־אֵם ⁷⁵ וְחִפּוֹי־רֹאשׁ
חֲרָפוֹת בּוֹ כִּדְ יִהְיֶי קִשְׁאוֹרוֹת	קָרָא שִׁירֵי וְאַל־תִּדְאֵן לְמַעַן
נִטַּר אֵיכָה וְאֶקְשִׁיב הַעֲתָרוֹת ⁷⁶	לְמַעַן כִּי אֲנִי אָשׁוּב וְאֶשְׁבַּח
וּמִדְּבָרֵי צָרִי עַל־כָּל מוֹזוֹרוֹת	וְלִי מִרְפָּא לְכָל־מַכָּה אֲנִישָׁה
חִלְחַף מִנְּעָלֵי הָעֲפָרוֹת ⁷⁷	אָבָל כִּי עַל־מִנֶּת תִּשׁוּב וְכִלְיֹם

⁷¹ 'Run from my wrath.' Cp. Job 21. 30. The poet is also playing upon the phrase עִבְרָה מִעֲבָרוֹת (Isa. 10. 29).

⁷² Read perhaps בְּמִנְרוֹת (2 Sam. 12. 31).

⁷³ 'And thou wilt tremble at the wrath of my spoken arrows like a woman that gives birth to her first-born after being barren in her youth.' Cp. Jer. 32. 30.

⁷⁴ Supply perhaps רָאָה הִנֵּה.

⁷⁵ Ps. 35. 14.

⁷⁶ 'I shall hear the supplications.' עֲתָרוֹת = pl. of עֲתָרָה, formed from עֲתָר after the analogy of עֲטָרָה from עָטַר.

⁷⁷ 'And every day thou shalt lick the dust off my boots.' עֲפָרוֹת = pl. absolute. In the Bible only the pl. const. is found.

25 וְכֵן אֲשִׁיב אֲנִי אֶל לִךְ וְיִהְיֶה
 וְאֲשִׁים מַעֲלֹתֶיךָ גְבוּהוֹת
 וְשָׂרֵי הָאֲלָפִים יִכְרְעוּ לָךְ
 וְאֲמָרוּתִי אֲשֶׁר עִמָּה חֲקָקְתִּים
 וּבִי . . . 78 יְהוּ לָהֶם שְׂבָטִים
 30 וְחִפְרָתִי בְּךָ אֵלֶּה לִּיסֵר
 לְעַת תִּבָּא בְּמִלְחַמַת מִשְׁנָם
 וְעוֹד אֲשִׁיר לְכֹר אֵלֶּה בְּשִׁמְךָ
 וְאִם בְּלִבְּךָ שִׁמְיֹן תִּבְנוֹנָה
 וְאִם אֵתָּה חֶסֶד עַל־כָּל וּבִינָה
 35 בְּעֵינֵי כָל־אֲנוּשׁ [וְ]יִשְׁפִּיל וּבִין

אֲמָרִי הַנְּעִימִים לָךְ עֲטָרוֹת
 עַל־יִשְׁרִים וְיִהְיֶה כִּם יִתְרוֹת
 וְהַמְּאוֹת וְשָׂרֵי הָעֲשָׂרוֹת
 יְהוּ בְּלִשׁוֹן מִתִּי מוֹסֵר זְכוּרוֹת 77
 לִיסֵר הַפְּתָאִים כִּם לְדוּרוֹת
 לְבָב נִמְהָר בְּאֵלֶּה הַהֲדוּרוֹת 80
 חֵל[צִיד] וְתַחֲרֵר עוֹר חֲנוּרוֹת
 וְאֲשַׁלַּח אֶל־קַצֵּה־תִּבְּל אַחֲרוֹת
 חֵלָא יָקָר שָׂרִים וְיִשְׁרוֹת
 וְדַעוֹת מִלְּבָבְךָ עֲדוּרוֹת
 אֲנִי פ[טוֹר] וְיִשְׁרוֹתִי פְטוּרוֹת

. . . לֵה פִי בַעַן תֵּלֵא . . . ל . אַנְדֵּלֵם

וְהוּ קָד וְלִי אֵל חֲבִי . . . 81

[קִבּוֹ] [תַּהֲלֵת] אֵל בְּרָאשׁ כָּל הַתְּחִלָּוֹת] [וְצִדְקוֹתָיו לְתַנּוֹן] תְּהִדּוּלוֹת
 (fol. 30b) אֲשֶׁר נַעֲלָה עַל־עֶרְץ 82 וְנִשְׁבָּב
 וְשֵׁת בִּינֹו וּבִינִינוּ גְבוּלוֹת

78 A similar expression is found in the poem הוֹד, עֲמָה, ver. 98: יִשִּׁירוּהוּ מִתִּי מוֹסֵר וְיִהְיֶה בַּצִּדְקוֹתָיו יְמֵי עוֹלָם וְיִשְׁנִים.

79 Reads perhaps וּבִדְרִיָּהֶם.

80 'I join an oath unto thee that thou punish the heart of the rash with these beautiful [verses].' For the use of חֶבֶר in this sense cp. אַחֲבִירָה (Job 16. 4). It is also possible to read . . . אֵלֶּה לִּי and render it as follows: 'I associate these [verses] with thee that thou punish the heart of the rash with these beautiful verses.' But the repetition of the adjective אֵלֶּה is objectionable.

81 There is no superscription in the Oxford MS. The words or letters enclosed in brackets are supplied from the edition of Dukes (שִׁירֵי שְׁלֹמֹה), No. 69), which is based on that manuscript. For interpretation of some lines of this poem see S. Sachs, רַבִּי שְׁלֹמֹה בֶן גְּבִירֹול וְקַצַּת בְּנֵי דוּרוֹ, pp. 13-16.

82 Edition = אֶרֶץ.

אֲשֶׁר נָדְלָה עָלַי כָּל הַנְּדֻלּוֹת	יָמִינוּ רֹמְמָה בְּמָאֵד פְּלֹאִיו
וְתַחְרִיב [בַּעֲזוּזָה ה'] מַצִּיבֹת	אֲשֶׁר תַּחֲמֹד אֲדָמָה עַל-בְּלִמָּה
בְּנִלּוֹתָם [וְתַחֲשִׁישׁ הַנְּאִילֹת]	5 אֲשֶׁר [תַּעֲזֹר] וְתַפְדָּה הַיְּשָׁנִים
וְנִלְמִידָה [שְׂבוּלָה מִשְׂבוּלֹת]	לְשָׂה גֹלָה [וּמִנְּבָנִים] שְׂבוּלָה
אֲבוּל [ה גַּם בְּנֻחִיָּה אֲבוּלֹת]	נְדֻדָּה מִתְנַחֶה לְאַנְחָה
וְכַמְעַט ק[ט] וְאַלְפִים בְּפוּלֹת	וְהַיּוֹם ⁸³ ל[ה כְּמוֹ] אֶלֶף בְּנִלּוֹת
וְעוֹדָם יִדְמוּ ⁸⁵ וְשָׂרִית ⁸⁶ נְטוּלֹת ⁸⁷	בְּכָל כֹּחַם אֲבָלִיָּה יְרִיבִים ⁸⁴
עַל־חִילָה אֲשֶׁר הָיָה נְחָלוֹת ⁸⁹	10 בַּעֲצָם עֲצֻמוֹתָ ⁸⁸ הָעֲצוּמִים
בְּשִׁנּוֹת וְתַלְקָלוֹת אֲפִילוֹת	וְהָיָה מִיָּד לְיָד נִדְחָה וְשָׁחָה ⁹⁰
עֲנִיָּה פ[עֲמוֹ] תִּיהָ בְּבוּלֹת	בְּחִבְלֵי הָעֲנִי ⁹¹ תֵּשֵׁב אַחֲזָה
וְהַפּוֹטוֹת תְּמוּטִיט בְּאִילוֹת ⁹²	מִפָּרֶק עוֹל פָּרֶק עוֹל צִוְּאֹרָה
וְתֵשֵׁב לָהּ גְּמוּלָה מִשִּׁיב גְּמוּלֹת.	וּמִשְׁפָּרְתָּה לְנִלְוֹתָה תִּשְׁלֵם
וְתִקִּים מִנְּתוּצָיָה סְלוּלֹת ⁹⁴	15 וְתִבְנֶה מִהֲרוּסֶיהָ ⁹³ בְּצִוְּרוֹת

⁸³ Edition = לה. והנה לה.

⁸⁴ Cp. Ps. 35. 1.

⁸⁵ Cp. Jer. 6. 2, and Brown and Driver, *Heb. and Eng. Lexicon*, s.v. דמה II.

⁸⁶ Cp. 1 Chron. 12. 38. The Ed. reads ועוד יתמו שאריתם. The MS. Oxford reads ועוד יתמו שרית, and on the margin are given two variants, ועודם יתמו שרית and ידמו שאריתם. Dukes (*ibid.*, p. 69, n. 4) copied one of the variants wrongly and gives ואל ידמו שאר.

⁸⁷ So in text, but I suggest reading נְצָלוֹת and render the clause as follows: 'And they continue to destroy the remnant that was saved.'

⁸⁸ Cp. Jer. 50. 17.

⁸⁹ Read perhaps . . . עֲדֵי חִילָה and the verse may be rendered: 'The mighty have oppressed her with their might until the wealth which she once possessed became their possession.' Ed. reads וְאֵשֶׁר סָר נַחֲלוֹת.

⁹⁰ Ed. reads וְשׁוּחָה.

⁹¹ *Ibid.*, הָעֲנִי

⁹² *Ibid.*, כַּחֲיִילוֹת, and in a note gives the reading כַּאֲיִילוֹת

⁹³ *Ibid.*, מִהֲרִיסָה.

⁹⁴ *Ibid.*, נְטוּלֹת, and the fragment reads נְטוּלֹת. Both these readings are incorrect since the context requires a parallel to בְּצִוְּרוֹת, hence my correction.

אֲשֶׁר הָיוּ לְצוּרֵיהֶן ⁹⁵ בְּעוֹלוֹת	וְתִבְעַל מִבְּנוֹתֶיהָ עֲזוּבוֹת
תַּחֲדָה בְּמַכְלָלֶת פְּלוֹלוֹת ⁹⁶	וְנָלִית חֵיל מְדִינָה הָעֲדִינָה
וְהִשְׁגִּנוּ ⁹⁸ וְהִשְׁגִּנוּם קָלָלוֹת	אֲשֶׁר גָּלוּ אֵלַי ⁹⁷ אֶרֶץ סַפְרָד
וְהָ[וּ] בִּילֵי עַדִּי אֵין בָּם יְכוֹלוֹת ⁹⁹	וּמִשָּׂאֵת נִשְׁאָו כִּי אֶת גְּוֶרְתָּהּ
כְּאֵילוֹת הַשִּׁיכּוֹת מֵאֵילוֹת ¹⁰¹	רַעֲבִים ¹⁰⁰ מִבְּלֵי מִים צְמֵאִים
[שׁ] אֲרִית יַעֲקֹב עָשָׂה ¹⁰³ פְּלִילוֹת	וְלֹלִי נָחֵלוּ ¹⁰² נָחַל אֲמוֹנָה
[וִיב] שׁוֹ הָאֲשִׁלִּים הַשְׁתִּילוֹת	אֲזִי בָם נַעֲקֶר עֶקֶר תְּבוֹנָה
[וּ] הָיוּ הַבְּשָׂרוֹת בְּפֶס[וּ] לוֹת	וְהָיוּ הָאֲסוּרוֹת בְּפִקּוּרוֹת ¹⁰⁴
רַת וְהִשִּׁים מִפְּלוֹתֶיהָ נְטוּלוֹת ¹⁰⁶	אֲשֶׁר הָעַמִּיד יְסוּדָת ¹⁰⁵ מִשְׁפָּטִי
[וְה] שְׂבִימוֹ נֶאֱזָרִי ¹⁰⁸ הָאֲפִלוֹת	וְלֹנִי ¹⁰⁷ עִם יִשְׁרָן בְּחֻלָּקוֹת
[וּ] הַצֶּדֶק לְבִקֵּשׁ גַּם [פ] עֲלוֹת ¹¹⁰	בְּדִין דִּין ¹⁰⁹ אֶמֶת [חֻלָּה] נִכְחֹ

⁹⁵ Ed. reads לצוריהן.

⁹⁶ 'And make her rejoice with the gorgeous garment of betrothal.' מכללת is used instead of מכלול (Ezek. 23.12) for כלולות, cp. Jer. 2. 2.

⁹⁷ Fragment reads אלי.

⁹⁸ Construe the verse as if it read אֲשֶׁר גָּלוּ וְהִשְׁגִּנוּ אֵלַי אֶרֶץ סַפְרָד. Ed. reads והושגנו.

⁹⁹ Ed. reads והפילו . . . יכולות.

¹⁰⁰ *Ibid.*, רעבים, and in a note רעבים.

¹⁰¹ 'Hungry and thirsty like does that are failing in strength.' Ed. reads כאילות משולות מזילות, which is entirely void of sense.

¹⁰² Fragment reads נחלי.

¹⁰³ *Ibid.*, עשה. The word לולי is to be supplied from the first hemistich, i. e. לולי שארית יעקב עשו פלילות.

¹⁰⁴ Pass. part. of פקר. Fragment reads כפיקורות. Ed. has in a note כפטורות.

¹⁰⁵ Ed. reads יסוד. In this verse Gabirol begins to enumerate the great deeds of the man to whom the poem is addressed.

¹⁰⁶ Read perhaps מְסֻלוֹתֶיהָ פְּלוֹלוֹת.

¹⁰⁷ Plur. 3rd pers. of לון.

¹⁰⁸ Fragment reads בגורי.

¹⁰⁹ *Ibid.*, דיון.

¹¹⁰ Supply the word צדק, i. e. he sought justice and deeds of righteousness.

אִשֶּׁר יִפְסִיק לְ[דִין רְאוּי לְהַפְסִיק] בְּ[צֶדֶד] קֶתוּ בְּלִי אֶן [וְעוֹ] לֹחַ
 וּמִמֶּתִין בּוֹ וְאִם [נִקְוָה לְנִחִין] ¹¹¹ בְּאַחֶרֶת ¹¹² יִשְׁיִשִׁי הָעֲנִילוֹת ¹¹³
 [וְהֵנּוּ] מִבְּלִי [טָעוֹת מְתוּקָן] [בְּאַרְחֻ] שְׁאַבְנֵי בּוֹ ¹¹⁴ סְקוּלוֹת ¹¹⁵

APPENDIX.

As already stated above, the Genizah fragment published by Neubauer contains an index of the first lines of the poems of Judah Ha-Levi and of Ibn Gabirol. The index of Ha-Levi's poems is on the recto, and that of Gabirol's is on the verso of the manuscript; the writing, however, does not quite cover the whole of the verso, so that this appears to be the end of the list. On examining the list of Gabirol's poems we find that it contains 114 titles. This seems to show that the Divan from which our two leaves are taken was much larger than the Divan which the writer of the index had before him, for our fragment shows that the original Divan had already contained 126 poems in the first thirty leaves.

Of the 114 poems enumerated on the verso, one was identified by Halberstam as Judah Ha-Levi's, and one as Abraham Ibn Ezra's (col. 1, No. 5 and No. 26); 18 were identified by him as already printed in the edition of Dukes, and one more as printed by Sachs in Ha-Magid, 1864, p. 140; 27 were shown to have been recorded by Zunz in *Literaturgeschichte*, pp. 188-9, and the remaining 66 were

¹¹¹ Cp. 1 Sam. 21. 9.

¹¹² Ed. reads לאחורית.

¹¹³ As Dukes remarked, this refers to the Sanhedrin, who sat in a semi-circle (Sanhedrin 4. 3).

¹¹⁴ Fragment reads כס.

¹¹⁵ The poem contains ninety-four lines, but our fragment ends with the twenty-ninth line.

left unidentified. Of these 66 I shall identify here 13, and of the other 48 I will give additional references in 27 cases. To facilitate reference, I number the poems in each column.

MS. Oxford No. 2835⁴⁷.

Verso. Col. 1.

6. . . . להורות. Read שחר להורות (in סדר רב עמרם, II, p. 6).
7. שלוף חרבך (cp. Zunz, *Lit.-Gesch.*, 188, No. 25).
8. שש ננורו לצאת (in Sachs, *שירי השירים*, p. 132).
9. . . . לבת נדיב. Read שלחו לבת נדיב (*ibid.*, p. 163).
10. [שח]ר אבקשך (*ibid.*, p. 150; Baer, *עבודת ישראל*, p. 34).
11. שמעה אדון (Sachs, *ibid.*, p. 140; M. Sachs, *Religiöse Poesie*², p. 7).
16. לך נפשי תספר (Brody, *שער השיר*, p. 39; H. M. Lazarus in *Jews' College Jubilee Volume*, p. 207).
17. שחר עלה אלי (Dukes, *Zur Kenntniss*, p. 157).
18. שפל רוח (Sachs, *שירי השירים*, p. 107; Brody, *הפיוטים*, No. 68).
19. שדי אשר (cp. also Luzzatto, *לוח הפיטנים*, p. 71, No. 61).
20. שלום לבן דודי (cp. Luzzatto, *ibid.*, p. 72, No. 98).
21. שוכב עלי מטה (Dukes, *Zur Kennt.*, p. 158).
22. שורש בנו ישי (Halberstam, *טל אורות*, p. 23; Graetz, *לקט שושנים*, p. 55).
23. שוכנת בשדה (cp. Luzzatto, *ibid.*, p. 71, No. 70).
24. שאלי יפיה (Dukes, *Zur Kennt.*, p. 158; *המנדר*, XII, 357 *המליץ*, II, 111; Sachs, *שירי השירים*, p. 126).
25. שונה בחיק (Geiger, *Salomo Gabirol*, p. 141).

Col. 2.

1. ואל תתמה באיש (cp. St., *Cat. Bodl.*, p. 2337, No. 57).
15. וערום מבלי מלבוש (Harkavy, *האסיף*, VI, p. 148).
25. שיר השירים, p. 21. (Graetz, *ibid.*, p. 45; Brody, *שיר השירים*, p. 21).

Col. 3.

2. גנזי אקספרד) זמני מה לך תחדש. (p. 21; Graetz, *ibid.*, p. 52; Brody, שיר השירים, p. 32).
4. גנזי אקס') הלא צוה אבי כל החכמים Read. הלא צור אבי כל הח' (p. 26).
14. אפול נדרה משחקת. This is very likely identical with the poem on an apple (פי תפאחה) published by Harkavy in האסיף, VI, p. 148, which begins אכול גזה משחקת. Both of these readings, however, are void of meaning. I suggest, therefore, עֲלֵי נֹעֶה משחקת, which refers to the apple on the tree.
15. למה זה את בקוץ (Dukes, שירי שלמה, No. 64).
16. שער השיר, (Brody, שאלתם על לבבי, p. 36).
19. שאלוני סעיפי. Perhaps identical with תמהים. See below, Col. 4, No. 13.
22. יודידי צמקו דדי. Identical with No. 123 of our fragment.
23. מליצתי בדאנתי. See text of the article, note 20.
25. גנזי אקספרד) הלא חשבע יודידי. (p. 22).
26. זמן בוגר אסרני (Sachs, התחיה, II, p. 2).

Col. 4.

1. שירי השירים, (Sachs, שער פתח דודי, p. 129).
2. שירי שלמה, (Dukes, גנזי אקספרד) מושל בקצוי ים. (p. 26; No. 66).
3. שירי הש', (Sachs, שתי בכ מחסי, p. 156).
4. קונטרס הפיוטים, (Brody, שחי לאל יחידה, (Sachs, *ibid.*, p. 111; No. 77; id., שער השיר, p. 41).
7. שירי הש', (Dukes, *Zur Kennt.*, p. 171; Sachs, שחרתוך בכל שחרי, p. 134; M. Sachs, *Rel. Poesie*, p. 8).
10. שירי הש', (Brody, קונטרס הפיוט', No. 79; Sachs, ששוני רב בכ, p. 137; Sachs, *Rel. Poesie*, p. 9).
12. שפל רוח שפל. Identical with Col. 1, No. 18, q. v.

13. טל אורות : p. 22 ; ננוי אקספרד) שאלוני סעיפי הת[מה'] (p. 29 ; קונטרס הפיוטים, No. 8).
15. שירי השירים ; p. 152 ; II, p. 1 ; (Sachs, התחיה, שחרים אקראה ; טל אורות, p. 23).
16. קונטרס ; XII, 357 ; המניד ; p. 117 ; שירי השירים) שאי עין יחידתך (p. 7 ; Dukes, *Zur Kenntniss*, p. 171 ; Sachs, *Rel. Poesie*, p. 8).

Col. 5.

5. ואלין ואני נבהל (Brody, *Monatsschrift*, LV, p. 85, No. 19).

VI. TWO POEMS OF JOSEPH BEN JACOB IBN SAHL.

OUR knowledge of the life and writings of Joseph ibn Sahl is still very scanty. We have the testimony of Abraham ibn Daud that he was a pupil of Isaac ibn Ghayyat, and that he was rabbi of Cordova from 1113 to his death in 1124.¹ From two poems which he addressed to Moses ibn Ezra² we gather that he was very much attached to this poet,³ and that in his earlier years he suffered greatly at the hands of some ignorant people.⁴ Beyond this we have no biographical information concerning him. Yet we may assume that he must have written some scholarly works, considering the high rabbinic post which he held ; he must have known Arabic, since, according to Bezalel

¹ Neubauer, *Mediaeval Jewish Chronicles*, I. 75. Moses ibn Ezra, according to the quotation in ספר יוחסין (London, 1857, p. 229 b', places the date of his death in 1123.

² Dukes, *Moses ben Ezra*, Altona [1839], pp. 101-3.

³ Cp. Dukes, *ibid.*, p. 102, לולי משה מנים עצבי, and p. 3, משה אהוב, לבי . . . האר אפלת במכתבך.

⁴ *Ibid.*, p. 102, ll. 4-7.

Ashkenazi, he translated some responsa of Alfasi from Arabic into Hebrew,⁵ and he certainly must have composed a large number of poems, since Ibn Daud,⁶ as well as Ḥarizi⁷ and Moses di Rieti,⁸ speak in high terms of his poetic gifts. Moses ibn Ezra also mentions him in his *Kitāb al-muḥadara wal-mudākara*,⁹ and quotes four verses from his poems.¹⁰

The two poems given below do not add much to our biographical knowledge of Ibn Sahl. They are nevertheless interesting, for one is addressed to Isaac ibn Ghayyat, his teacher, and the other may be one of the poems from which Moses ibn Ezra quoted.¹¹ The fragment (T-S. LOAN 168),

⁵ שטת מקובצת, B.M. fol. 108a. See also Steinschneider, *Heb. Uebersetz.*, p. 912, 3.

⁶ Neubauer, *ibid.*, *ibid.*

⁷ תחכמוני, ch. 3, ed. Kaminka, pp. 39, 41.

⁸ מדרש מעט, p. 99. Rieti classes Ibn Sahl with Gabirol and Moses ibn Ezra, and in a note copies the words of Ibn Daud.

⁹ ס' יוחסין, *ibid.* See also Steinschneider's index to the *אלמחאצרה*, in his *Cat. of Berlin MSS.*, II, p. 130, according to which the name of Ibn Sahl occurs three times in that work.

¹⁰ These four verses are cited by Dukes in *נחל קדומים*, p. 10. As this book itself is rather rare I repeat them here :

(a) חסדיך כגלי ים עצומים וצדקתך רחבה מתהומים

The fact that the two hemistichs rhyme with each other leads me to think that it is the opening line of a Kasida.

(b) אמת כי את לתורה בזמן עז למען לא עמוך פליאות

(c) . . . חסדו עלי ארץ ונפשי כמו גזת ירובעל יבישה

Dukes suggests that the word *ראה* may be supplied at the beginning of this verse.

(d) ומנחתי כמו מן זך בלולה למרעיו ולי מנחת קנאות

To judge from their rhyme and metre it is possible that verses b and d are taken from one poem.

¹¹ The first of the four verses quoted has the same metre and rhyme as our poem, and seems also to deal with the same theme. It must, however, be admitted that the second poem excels by far in its style the poem addressed to Ibn Ghayyat, and reminds us forcibly of the style of Gabirol.

in which these poems are found, consists of two leaves of paper (17.5×13 cm.), which are not consecutive. They are very likely the outer leaves of a fascicle. I do not, however, consider them as part of a Divan of Ibn Sahl, but rather as part of a collection of poems by various authors. The reason for it is that the poems of Ibn Sahl are preceded by a fragment of a poem of Ibn Gabirol. What our fragment contains of the Gabirol poem corresponds to verses 51–70 of the poem beginning תחלת החכמה.¹² In the edition of Dukes there are 98 verses to the poem, and yet our fragment has the word כמלת (= *finis*) written after the seventieth verse, which goes to prove that the poem suffered at the hands of the copyists. Further proof that the copyists were careless with this poem is the fact that even the ninety-eighth verse does not seem to be the proper ending.¹³ Dr. Brody, in his admirable edition of Gabirol, has begun to publish this poem, but his edition has thus far reached to the fortieth verse.¹⁴ It is advisable, therefore, to give here in a note the variants of our manuscript.¹⁵

Omitting fol. 1 recto and the first two lines of the verso, which are occupied by the lines of Gabirol, we may proceed to the text of Ibn Sahl.

A.

לרב יוסף בן סהל ז"ל

קאלה פי יצחק בן גיאת ז"ל

— — — — —

אֲשֶׁר נָטוּ צִלְלֶיהָ

— — — — —

שֶׁמֶשׁ יְדִידוֹת

¹² Dukes, שירי שלמה, No. 68.

¹³ *Ibid.*, p. 68, n. 6.

¹⁴ Brody, שיר השירים, Berlin, 1900, pp. 35–6.

¹⁵ Ver. 54, ושיחה; ver. 56, שק [שם]; ויגון; ver. 59, ושיחון בשאיה; ver. 60, ולשבים ונערים; ver. 62, ויעבו עולים; ver. 64, ויעמע נאקחם; ver. 65, מזורים למזורים; ver. 66, והחסד לבש.

וְלֹא תִדְעַ שְׂבִילֶיהָ,	שְׂבָחָהּ נְבוֹלָה
בְּלִי-נֶמֶה תַּחֲלֶהּ עַל	בְּמֹזָה חֲשָׁבִים ¹⁶
וְאִי-תִקְצֶה לְלִילֶיהָ,	נִלְגַל הַרְיָדָה
לְעַכְפְּשֵׁי שְׁחָרֶיהָ,	5 בְּלָתָהּ מִיַּחַל ¹⁷
בְּנִלְרִים אֲגָלֶיהָ, ¹⁸	עֵינֵי תַּוִּיל ¹⁹
וְתִלְבֵּד כְּדִירֶיהָ ²⁰	לִדְיֹשׁ רְצֹן-אֵל
וְתִשָּׁבֵב אֶת ח	בְּמֹזָה ²¹ חֲבָלֵי פְרִידָה
עָלֶי פִירֹדֵי יְדִידִי[הָ]	מִתַּחֲבָה ²² נִפְשִׁי
אֲרִי ²⁴ מִנֶּדֶר שְׁתִּילָ[הָ]	10 . . . וְאֵל נִטְעֵי מִינֶה ²³
בְּנֵי עֵיִשׁ ²⁵ בְּלִי נֹם ²⁶	אֶרְעָה בְּלִיל

B.

(fol. 2, recto)

בְּתַחֲתִיּוֹת וְשִׁכְנֶתָה מְרוֹמִים	וְיֹשֵׁב אִישִׁים חֲמֹדֶהּ וְהֵנֶם
וּבְנִיעִיר ²⁷ כְּמֹז יִלְדֵי רַחֲמִים ²⁸	וְאִיכָה יֵאָבֵד גָּמַל בְּנִשְׁרָר
וּמְנֻלֹת לְמַרְבֶּכֶתָּהּ רַחֲמִים	צֶלַח וְרֵכֶב נִשְׂאִי, כִּי בְּנִיעֵשׁ

¹⁶ Cp. Isa. 50. 10.¹⁷ Ps. 69. 4.¹⁸ Piel of זָוַל (cp. הִזְלִים וְהִב מִכִּים, Isa. 46. 6).¹⁹ Cp. Job 38. 28.²⁰ Read perhaps בְּדִירֶיהָ (= in her circles). Cp. Isa. 22. 18, i.e. 'May God grant that his wandering sun of friendship may be stopped in her orbit.'²¹ According to the metre of this poem the line should begin with חֲבָלֵי.²² From the point of metre we must regard the *Sheva* in תִּכְךְ as *Sheva mobile*.²³ Text of manuscript reads מִטְעֵי but over the מ the scribe wrote א. Both readings, however, are without meaning and against the metre.²⁴ Read perhaps אֶרְה, imperative of אָרָה (cp. אֲרִיתִי מוֹרִי Cant. 5. 1); the meaning, however, remains obscure.²⁵ Job 38. 32.²⁶ Read perhaps נֹחַ.²⁷ Cp. Zech. 9. 9.²⁸ Lev. 11. 18.

30 כָּלִיל שְׂמַחַת גִּזְאוֹלִים מַעֲנָמִים וְהָאָרֶץ שְׂמִיחִים 29 בְּהִ[ד]רָה
 כָּלִיל לֹא יִחְזוּד בְּחִלּוּמִים 5 וְאָמְנָם פִּי שֵׁנָתָם לֹא עֲרָבָה
 לָךְ בִּי־אֵין 32 לָךְ צָרִים וְקָמִים וְ[עֲ]רִיד 31 פִּרְעֵיךְ יְהוּדוֹן
 לְמַעַן חוֹק עָלֵי נַפְשָׁם מִקִּימִים וְאִיךָ תִּגְמוֹל קִשְׁרֵי מַחֲלָלָה
 שְׂבָחֶיךָ בָּאֵף הַשִּׁיר נָזָמִים. 10 וְאִין עָמִי לְבַד לְשׁוֹן וְלִבָּב
 בְּמִרְצֵעַ הַסִּדִּים מַעֲלֹמִים 10 וְאִין עָמִי לְבַד לְשׁוֹן וְלִבָּב
 נִתְתִּימוּ לָךְ בְּשָׂדֵי חֲרָמִים 34 בָּזָה אֲשִׁיר לָךְ שִׁירֵי יְדִירוֹת
 וְהָ אֶעַל בָּאֵשׁ אֶהֱב שְׁלָמִים 35 וְהִפְרַת פְּגִי אִישׁ תַּעֲנֶה בּוֹ
 הִלְבּוֹ נַעֲנָה 36 אוֹכֵר וְתָמִים וַיִּנְכַּר 37 בְּשִׁפְחוֹתָיו לְמִבֵּין
 הַנִּיבִיו נֶאֱמָנִים אִם מְרוּמִים 38 יִהְיֶה צִוֵּר לָךְ הוֹדָה וְגִזְאֵל
 וַיִּטְהַרְלָה בְּמִי־נֶהָר שְׁלָמִים 15 וְכֹכַב מִפְּנֵי דֶרֶךְ יִגְדַּל
 אֱלֹהִים אֶת שְׁמוֹ מִפְּנֵי פְעָמִים

(fol. 2,
verso)

29 Either read שְׂמַחָה, or take וְהָאָרֶץ to stand for וְבִנֵּי הָאָרֶץ.

30 An appellative for the Egyptians (cp. Gen. 10. 13).

31 1 Sam. 28. 16.

32 The manuscript is torn, but the word אֵין is written on the margin, apparently by the same scribe. It seems that in the text the two words **בֵּין אֵין** were written by mistake by **כִּי אֵין**.

33 Pr. 25. 12.

34 Lev. 27. 21.

35 'And this I shall offer as a peace-offering in the fire of love.' אֶהֱב is sing. of אֶהֱבִים, Hos. 8. 9.

36 Construe it as if it read הִלְבּוֹ לֵב נַעֲנָה. MS. reads הִלְבּוֹ נַעֲנָה.

37 MS. reads וַיִּנְכַּר.

38 Cp. the expression דִּין מְרוּמָה (Sanhedrin 32b).

VII. THREE POEMS OF JOSEPH IBN ZADDIK.

JOSEPH IBN ZADDIK, the younger contemporary of Ibn Sahl, and his successor in later years to the rabbinate of Cordova (1138-1149), was highly praised for his poetic gifts by Judah Halevi,¹ Abraham ibn Daud,² Judah Harizi,³ and Menaḥem di Lonzano.⁴ It is very probable that many of the liturgical hymns which bear the name of Joseph in acrostic were composed by him, yet his authorship is certain only in three Piyutim.⁵ Our knowledge of his secular poems is likewise very scanty. There is one poem which he addressed to Judah Halevi when the latter passed through Cordova on his way to Palestine,⁶ and recently Dr. Brody brought to light three more poems, two of which are inscribed to Isaac ibn Muhagir,⁷ and the third the editor presumes to have been addressed to Moses ibn Ezra. There are still two other poems which are in some sources ascribed to Ibn Zaddik, but their authorship must remain a matter of doubt. For one of them is found in the *Divan* of Judah Halevi,⁸ and Dr. Brody is inclined to think that

¹ Cp. Brody, *Diwan*, I, Nos. 10, 32, 83, 124.

² Neubauer, *Mediaeval Jewish Chronicles*, I, 75.

³ תחכמוני, ch. 3 (ed. Kaminka, pp. 39, 42).

⁴ יצית ידות, 137b.

⁵ (a) ארחמך . . . , (c) לו אור קדושי, (b) יעל ארוכה צור למכת יעלה, יענה חבי לך. See Zunz, *Literaturgeschichte*, p. 216; Neubauer and Cowley, *Catal.*, II, p. 155, No. 2738, 4 g.

⁶ It was first published by Luzzatto in *בתולת בת יהודה*, p. 58. It is also found in Graetz's *שוינים*, p. 101, and in Brody's *הזיר*, p. 127.

⁷ Brody, *Drei unbekannte Freundschaftsgedichte des Josef ibn Zaddik*, Prague 1910.

⁸ *Ibid.*, *Diwan*, I, No. 49 (עמר כמעט). In the notes to this poem Brody states that two lines (3-4) of this poem are quoted by Eleazar b. Jacob Ha-Babli in the name of Ibn Zaddik.

it is more likely the composition of Halevi than of Ibn Zaddik,⁹ and the other, while in the *Divan* of Abraham ibn Ezra it is ascribed to Ibn Zaddik,¹⁰ is ascribed in another source to Abraham ibn Zaddok.¹¹

The texts produced below are found in two Genizah fragments of the Taylor-Schechter collection. The first fragment (T-S. LOAN 73) consists of a single sheet of paper (20 × 15 cm.), and contains two poems, one of which is incomplete. From the fact that the first poem is marked with the letter 'ב we may draw the conclusion that it is the second poem of some collection, perhaps a *Divan* of Ibn Zaddik. It cannot be taken as the number of the page, since it is placed on the inner margin of the page. The other poem, however, bears no number, but the absence of the number may be due to the faded condition of the manuscript. The complete poem seems to be an epithalamium, and is addressed to Isaac ben Abi 'Ali, who is perhaps a son of Ezekiel b. Jacob Abu 'Ali of Damietta, to whom Judah Halevi addressed a poem when he left that city to continue his journey to Palestine.¹²

The second fragment (T-S. LOAN 167) consists of a small sheet of paper (14.7 × 10.5 cm.), written on one side only, and contains a poem addressed to Rabbi Joseph ibn Migash. This poem is found also in the *Divan* of Abraham ibn Ezra, and there it is stated that it was composed by

⁹ *Ibid.*, *Freundschaftsgedichte*, p. 7.

¹⁰ Egers, *Diwan des Abraham ibn Ezra*, p. 5.

¹¹ כוכבי יצחק, XXIX, 29-30. See also Steinschneider, *Die Handschriften-Verzeichnisse d. k. Bib. zu Berlin*, II, p. 32, MS. 54, fol. 60 b; Egers, *Diwan*, pp. 149-50; Brody, *Freundschaftsgedichte*, p. 6.

¹² Brody, *Diwan*, I, No. 30. See Steinschneider, *Introduction to the Arabic Literature of the Jews*, § 12, n. 10 (*JQR.*, IX, 627).

Ibn Ezra in honour of Ibn Zaddik.¹³ As far as the authorship of the poem is concerned, I am inclined to accept the testimony of our fragment, for the Ibn Ezra Divan is known to have a number of poems ascribed to him erroneously, as, for instance, No. 217, which is clearly the composition of Joseph ibn Zebara.¹⁴ Moreover, the extravagant praise which our poet lavishes on his friend Joseph would be more appropriate in the case of Ibn Migash, considering how equally lavish such men as Isaac Alfasi,¹⁵ Judah Halevi,¹⁶ and Maimonides¹⁷ were in their praises of Ibn Migash. There is, however, one point which casts a doubt on the identity of the Joseph to whom Ibn Zaddik addressed this poem. In verse 17 the poet refers to the son of his friend, and in the last verse he calls him by his name, Solomon. To our knowledge, however, Joseph ibn Migash had only one son by the name of Meir, whom Ḥarizi mentions in the forty-sixth chapter of the *Tahkemoni*.¹⁸ We have, therefore, to look for another celebrated contemporary of Ibn Zaddik who had a son by the name of Solomon. And here, again, Ḥarizi comes to our aid. For in the same chapter, in speaking of the great men of Toledo, Ḥarizi

¹³ Egers, *Diwan des Abraham ibn Ezra* [=E], p. 87, No. 196. The poem had previously been published by Egers in *MGWJ*. 1883, p. 423 [=E'], afterwards it was also edited by Rosin in *Reime und Gedichte des Abraham ibn Ezra*, pp. 121-3 [=R], and by Kahana in *קובץ חכמת הרא"ב*, I, 44-6 [=K].

¹⁴ Albrecht, *Studien zu den Dichtungen Abrahams ben Ezra*, Leipzig 1903, pp. 27, 32.

¹⁵ According to Ibn Daud in *הקבלה* ס' Alfasi wrote of Ibn Migash *שאפילו בדרורו של משה רבינו לא אשתכח בוותיה* (Neub., *M. J. Ch.*, I, 76).

¹⁶ Brody, *Diwan*, I, Nos. 62, 95, 114, 130; II, No. 21.

¹⁷ See Maimonides' Introduction to the Mishna, ed. Wilna, 1908, fol. 5 b, ll. 4-6 from above.

¹⁸ Ed. Kaminka, p. 350.

mentions Solomon b. Joseph ibn Shoshan as contemporary of Isaac the grandson of Joseph ibn Migash.¹⁹ It is therefore plausible that our poem was addressed by Ibn Zaddik to Joseph ibn Shoshan, whom Ḥarizi describes as הנשיא הגדול, and perhaps on the occasion of the birth and circumcision of his son Solomon.^{19a} This would lend a more pregnant meaning to the seventeenth verse נר מערב אשר לא יכבה בנך אחרִיך 'Thy son will come after thee that the light of the West may not be quenched'. Of course we must not lose sight of the possibility that Ibn Migash also had a son Solomon, of whom history has no other record, in which case the poem could very well have been addressed to him. Be this as it may, the text of our fragment is so much superior to that of the Divan of Ibn Ezra that I feel justified in reproducing it, irrespective of the identity of the persons mentioned in it.

The strophic character of the following poems is that of the *Muwašṣaḥ*, or girdle song. Each poem, however, illustrates a different form of *Muwašṣaḥ*.²⁰ For the better

¹⁹ *Ibid.*: וממבחר נשיאייה הנשיא רבי שלמה בן הנשיא הגדול רבי יוסף בן שושן זכרו לברכה.

^{19a} This poem naturally dates from before 1149, the year in which Ibn Zaddik died. If, therefore, Joseph ibn Shoshan had already given birth to a son, when this poem was composed, he must have been born at least twenty years before. This would put Ibn Shoshan's birth at about 1125, and not 1135, as Graetz assumes (*Geschichte*, VI, 207: Hebrew translation, IV, 243, 244, 409). See also Schwab, *Rapport sur les Inscriptions hébraïques de l'Espagne*, pp. 58-60.

²⁰ On the structure of the *Muwašṣaḥ* see M. Hartmann, *Das arabische Strophengedicht. I. Das Muwašṣaḥ* (Weimar 1897), pp. 95 ff. Briefly stated it is as follows: The *Muw.* has two component parts, the *bait*, consisting of three or more lines, and the *kūfl*, consisting generally of two lines, each line again being divided into two hemistichs. Each *bait* has two sets of rhymes, one for the first hemistichs and one for the second hemistichs, and no two *bait*s need have the same rhyme. In the case of the *kūfl*, on the other hand, the two sets of rhymes are uniform throughout the poem, so that by

understanding of the metre be it remarked here that the *נוא* in the middle of a word is disregarded, while a *קלה* *תנועה* is counted as a full vowel.

(T-S. LOAN 73, recto)

וְלֹה אֵינָא פִּי מ' יִצְחָק בֶּן אֲבִיעֵלִי ב'

אֵעוּזָה אֱלֹלָה ²¹

שׁוּר אִם קָרְעָה בַּת־שַׁחַר ²² שְׁחָרוּת שְׁרִינִיָּה

וְלִקְוִל שִׁירָה נְעוּרָה וְלִקְוִל שִׁיר יוֹנִיָּה, ²³

מָה אֲמִיף עַל־בֵּית יִשְׁחָק ²⁴ מֶה שׁוּרֵשׁ

them the various *baits* of the poem are held together as if by a girdle—hence the name *Muwaššah*. Sometimes a *ḵufl* may have three sets of rhymes, one for the first hemistich of the first line, another for the first hemistich of the second line, and a third for the second hemistichs of the two lines. In that case the uniformity is kept up through the poem, as for instance in the first poem of our texts. The ordinary *Muw.* begins and ends with a *ḵufl*, containing altogether six *ḵufls* and five *baits*, but there is also a class of *Muw.* which begins with the *bait*, in which case the number of *ḵufls* is only five. Both of these classes are illustrated by our texts (Nos. 1 and 3), while the incomplete poem (No. 2) is altogether peculiar since its *ḵufl* consists only of one line. For the use of the *Muw.* in later Hebrew poetry see Bacher, *שירי תימן* (Budapest 1910), pp. 75 ff.

²¹ 'Another poem of his [addressed] to Isaac b. Abi'ali, the Lord strengthen him.'

²² This poem is undoubtedly a wedding song, and the poet, alluding perhaps to the ceremony of veiling and unveiling the face of the bride, compares her beauty to the dawn breaking through the darkness, and says: 'See if the daughter of the morning star has broken through the darkness of her armour, and let us awake at the sound of her song, at the sound of her dove-like cooing.'

²³ Note the alliteration and paronomasia. MS. reads שִׁיר יוֹנָה.

²⁴ Cp. Amos 7. 16. From here to the end of ver. 7 the poet devotes himself to the praise of the bridegroom. 'What', says he, 'shall I say of the house

על־מצח ימים היוזק	כי הוא מְשַׁרָּה יוֹרָאֵשׁ
5 יִרְוֹשׁ לְעֵלוֹת אֶל־שֹׁחַק	אֵישׁ לְקִנְיָתָהּ דּוֹרֵשׁ
יִיטֵב לָהֶם אוֹ יָחַר	אָמְרוּ אֶל־קוֹנֶיהָ
שִׁיבוּ כִי נִחַלַת מִשְׁרָה	תִּהְיֶה לְאֲדוֹנֶיהָ.
מִרְחָקִים מִמִּרְחָקִים	בְּנֶפֶשׁ רוּחַ רָכְבוּ ²⁵
רֵיחַ בְּשָׁמֵי תְמָרוּקִים	מִיַּעֲלַת חֵן וְנִגְבוּ
10 בְּעֵבֹרָה ²⁶ סוֹד מִמְתִּיקִים	עֲמֹת דּוֹרִים קָרְבוּ
דּוֹרָה רַר מֵה־תִּתְאַחֵר	לְרַעוֹת תּוֹף גִּנִּיָּה
לְעֹרֹנֶת אֲהָבָה סוֹרָה	לְלִקֹּט שׁוֹשְׁנִיָּה
דּוֹרָאִים מִדּוֹרֶיהָ ²⁷	בַּיּוֹם ²⁸ נִתְּנָה רֵיחַ
לֶךְ תִּצְפּוֹן בְּרִבְיָרִיָּה	מִגֵּד אוֹר זוֹרֵחַ
15 יַחֲלִקֵט לְמַגְדִּיָּה	עַד יִשְׁלַם יָרֵחַ
כִּי סִהַר יִהְיֶה מִחֵר	חֵד מִסְּהַרֲוֹנֶיהָ ²⁹
וְלֶךְ תִּהְיֶה לְמִנּוֹרָה	תֵּאִיר מִשְׁבְּנֶיהָ ³⁰
(verso) נֶאֱוָה לֶךְ עֲפָרָה, נָוָה	אוֹרָה יִשְׁבְּעֵתִים,
הַחֲפִירָה לִילִי מִסּוּהָ	כָּל בּוֹכֵי שָׁמַיִם

of Isaac [b. Abi'ali], for he holds so exalted a position that one might as well attempt to ascend to heaven as to attain it, and, whether pleased or displeased, let all who wish to attain it desist, for it shall remain with him as an inheritance.'

²⁵ From this verse to the end of the poem the poet lavishes his praise on the bride. 'From afar the winged wind rode and stole the spiced odours of the charming doe, holding sweet counsel about her, for the time of love has approached (vers. 8-10). Beneath her ornaments she conceals for thee the choicest splendour (ver. 14). Her beauty, if not masked, would put to shame the stars of heaven (ver. 19). He who has looked into her face has looked upon a constellation' (ver. 26).

²⁶ MS. reads בעבורה.

²⁷ Cp. Prov. 7. 18.

²⁸ MS. reads ביום.

²⁹ Cp. Isa. 3. 18.

³⁰ MS. reads מִסְנִיָּה.

שְׁמֶרָה מַעֲיָנִים	20 רְמוֹנֵי סַעִיף רוֹחַ ³¹
צַעִיף צַפְעוֹנִיָּה	כִּי הוֹצִיָּאתָ מֵאַחֶר
אֵין רוֹשׁ בְּפִתְחָהּ	אֶף [נָא] מִהֶם אֶל־תִּירָא
אֶל הַר הַמּוֹר ³² צִמְאָה	נֶפֶשׁ וְנִבְעַת הַלְבוּנָה ³²
וְדָרֹר לָהּ כֵּן מִצָּאָה	עַד אֶרְסָה לֹא בְּאִמּוֹנָה
כָּל מִהְלֵל בָּהּ נִלְאָה	25 יוֹנָה יָפָה כָּל־בְּנָהּ
עֵינַי עַל־בְּנֵיהָ ³⁴	שׁוֹחֵר פָּנֶיהָ שִׁיחַר
אֶל עֵבֶר פָּנֶיהָ	וּמְנוּחַת חֵן הָאִירָה

„מוֹשֵׁחַ“³⁵ אַחֵר לִבֵּן צָדִיק

וּלְכָל חֵלִי יֵשׁ דֵּי בִצְרִי	אֵין דֵּי לְחִילִי
לִי תִדְרָשׁוּ אֲחֵי אֲרוּכָה	אֶל־נָא בְּנִלְעָד
בַּת יֶאֱתָה לָהּ הַמְּלוּכָה	כִּי אִם בְּמִצְעָד ³⁶
תַּחֲיִישׁ לְתוֹחֶלֶת מְשׁוּכָה	אִיף אֶצְעָקָה עַד
תִּשְׁמַע וְתִנָּחֶה אֶת מְזוֹרִי	אוֹלֵי בְּקוֹלִי
לָעוּ בְּרוּב בְּעָסִי וְשִׁיחִי	מִי־לִי וְשִׁיחִי
אוֹ אֲמִצָּאָה חֲפָצִי וְאֲחִי ³⁷	מִוֹתִי מְנוּחִי

³¹ 'The pomegranates of a watered branch' may be a poetic expression for her 'temples'. Cp. Cant. 6. 7.

³² MS. reads *לְבוֹנָה*, but metre requires correction. Cp. also Cant. 4. 6.

³³ A poetic term for the bridegroom.

³⁴ Job 38. 32.

³⁵ See n. 20 above.

³⁶ Cp. Ps. 37. 23.

³⁷ 'Death shall bring me peace unless I find my delight and my brother.'

(T-S. Loan 167)

למ' יוסף בן צדיק ימרה בה מ"ר יוסף בן מינש³⁸

— — — — —	— — — — —
אי שירות ⁴⁰ ענבים	אי יטון מחדש גילים ³⁹
בלתי דם-ענבים ⁴³	בל-דם נאסר ⁴¹ לא-עילים ⁴²
בוא ושכון קרבים	לא יוכלו ⁴⁴ שאתך בלים
ברנך טעמך ⁴⁵	הנם חול עדי תקדושים
נועם זועמך ⁴⁶	5 בן רכב לנפשו אשם
מפות לב אנשות ⁴⁸	הביאו צרי אדום אל ⁴⁷
מרפא הנפשות ⁴⁹	[ויחי עוד, והיה נאל
חכמי עם קדושות ⁵⁰	הם חכמי בני ישראל

³⁸ The inscription in E reads : ויון אל אחד (וון אל אחד) וואן זר אתו.

³⁹ 'Where is the old [wine] that brings new joys?' The poem may be divided into two parts, the first, ending with ver. 10, is devoted to the praise of wine, and the second, extending from ver. 11 to the end of the poem, is devoted to the praise of Joseph. The first part would seem to indicate that the poem was written on some festive occasion, perhaps on the circumcision of Joseph's son, Solomon.

⁴⁰ EE'RK. שירת.

⁴¹ MS. נאחו.

⁴² A poetic name for the Jewish people. Cp. אצילי בני ישראל (Exod. 24. 11).

⁴³ Deut. 32. 14.

⁴⁴ EE'RK. יוכלון.

⁴⁵ The vessels are profane until the wine sanctifies them. RK read incorrectly טעמך.

⁴⁶ Referring to Jer. 35 the poet says that he who tastes wine is blessed, but he who curses it is cursed.

⁴⁷ אל is wanting in E.

⁴⁸ Jer. 15. 18.

⁴⁹ This verse is wanting in MS.

⁵⁰ The MS. as well as EE' reads חכמות עם קדושות. Rosin reads חכמות עם קדושות, and explains it in the following way: *Sie, die hier an der Tafel befindlichen Lehrer Israels, bleiben mit den keuschen 'Lehrerinnen'* (חכמות עם).

יְהִימוּ רַחֲמֶיךָ	עַד אֵלֶיךָ אָנֹכִי וְאֶבְקֹשֶׁם ⁵¹
מִסּוֹת ⁵³ נִעְמִיד.	עָלֵינוּ, וְהוֹד תִּלְבִּישֶׁם ⁵² 10
כִּי ⁵⁴ הוּא רַב פְּעָלִים	בְּפִשְׁתִּי בְּמַצְוֵי־חֶבֶל
זֶה נֹשֵׂא מִשְׁלִים	זֶה חֹשֵׁב זֶה שֶׁר־נֶגֶל
לֶךְ יוֹסֵף חֲבָלִים ⁵⁵	מִחֲבֻמוֹת לְכֹלֶם חָבֵל
כִּי אֵל חֲבָמֶךָ	יַעְרוֹף לְקַחֲךָ בְּנִשְׁם
יָקוֹם נֶאֱמִיד ⁵⁶	וּבִשְׂוֹאֵל בְּטוֹרֵי לִשְׁם 15
כִּי אֵל יִצְרֶךָ ⁵⁷	תִּפְאֶרֶת שְׁמֶךָ רַבָּה
בְּנֶךְ אַחֲרֶיךָ ⁵⁸	נֵר מַעֲרֵב אֲשֶׁר לֹא יִכָּבֶה
אֶרֶץ תַּעֲזָרְךָ	בְּבְרִית ⁵⁹ עִמָּךְ שֶׁחַק בָּא

(קְרוֹיֹשׁוֹת) glücklich vereint, während ich davon reisen muss, und nicht weiss, wo ich in aller Welt so vortreffliche Menschen mir noch einmal suchen soll (Reime u. Gedichte, p. 123, n. 3). Kahana adopts the reading of Rosin. This interpretation, however, is not only far-fetched, but it also breaks the continuity of the poem, and does not explain to whom תִּלְבִּישֶׁם in v. 10 refers. In my opinion the whole passage from v. 6 to v. 10 may be rendered as follows: 'Bring the red balsam (i.e. wine) for the incurable wounds of the heart so that it (i.e. the heart) live again, and let it (i.e. the wine) become the redeemer and healer of souls.' Then, addressing himself to the wine, the poet continues: 'While I go in search of them, the wise of Israel, the wise of the people of holiness, let thy mercy be compassionate upon them (i.e. the wounded hearts and souls), and do thou dress them in the glory of thy sweet garments.'

⁵¹ EE'RK. עד אלך ואנה אבקשם.

⁵² EE'RK. עלי אל והוד הלבישם.

⁵³ Cp. Gen. 49. 11.

⁵⁴ E. ומי.

⁵⁵ A play on Ezra 47. 13, where יוסף is used as a verb. RK read לך.

⁵⁶ Refers to the *Urim* and *Thummim*, cp. Num. 27. 21. Cp. also 2 Sam. 16. 23. E reads והשואל בטובו לשם; E'. יקסם נאמיר. R. והשואל בטובו. לשם; K. והשואל בטובו לשם.

⁵⁷ EE'RK. רבה צורך יצרך.

⁵⁸ Judah Halevi says of Ibn Migash נר מערבי (Diwan, I, No. 130, ver. 7). MS. reads נכבה שמך אחריך.

⁵⁹ MS. ברית.

יָמִים לְעֶבְרִים כְּבִשָּׁם ⁶⁰	בִּי מִתְקוֹמִיךְ
יִפְחֲשׂוּ לָךְ וּתְבִישָׁם ²⁰	עַד תּוֹם לֹחֲמִיךְ ⁶¹
נִלְאָה־פִי וְלֹא ⁶² הַתּוֹדָה	עַל קוֹצֵר תְּהִלָּה ⁶³
בִּי יִסְדֶּעֱתֶךָ אֵין מָדָה	מִה־חִכֵּל מְנִלָּה
וְלָךְ יֵאָתֶה כָּל חֲמֻדָּה	תּוֹדָה עִם נְדוּלָּה
בִּי כְבוֹד וְהוֹד תִּירִשָׁם	מֵאֵב קֶדְמִיךְ
בֵּן ⁶⁴ יֵיטִיב אֱלֹהִים אֶת שְׁמֵךְ ²⁵	יִשְׁלַמְהָ מִשְׁמִיךְ

VIII. A POEM OF JOSEPH BEN SHESHETH HA-SEPHARDI.

IN the third chapter of the *Tahkemoni* Judah Ḥarizi mentions twice the name of Joseph ben Shesheth among the great poets of Spain, and in both instances he mentions him immediately after Moses ibn Ezra,¹ from which we

⁶⁰ E' reads יָמִים לְעֶבְרִים כְּבִשָּׁת, R reads רָמִים, K reads יָמִים. The word יָמִים may, however, be taken in the sense of בְּנוֹת יָמִים, i.e. fate (cp. above, Poetic Fragments, V, note 39), and vv. 18, 19 may be rendered as follows: 'Heaven hath made a covenant with thee, nay the earth will help thee to make fate itself thy slave' (אֶרֶץ תַּעֲזֹרֶךְ יָמִים לְעֶבְרִים לְכַבֵּשׁ).

⁶¹ A similar statement is applied by Judah Halevi to Ibn Migash וּשְׁנֵאִיךְ (Diwan, I, No. 95, ver. 23). MS. reads וּשְׁנֵאִיךְ וְחִבְרִשָּׁם.

⁶² EE'. הַתּוֹדָה; RK. וְלָךְ הַתּוֹדָה.

⁶³ E. תְּפִלָּה; E'. הַתְּפִלָּה.

⁶⁴ MS. reads בִּי.

¹ The passages read: כִּשְׁרִי רַבִּי מוֹשֶׁה בֶּן עֲזַרְיָה מִזִּקְקִים וְלֹא כִּשְׁרִי רַבִּי יוֹסֵף בֶּן שֵׁשֶׁת לְנַפְשׁ דְּבֻקִּים . . . וְרַ' מוֹשֶׁה בֶּן עֲזַרְיָה מוֹשֶׁה הַפְּנִינִים (תַּחֲכֻמוֹנִי), ed. Kaminka, pp. 39, 41). The Brit. Mus. MS. Add. 27, 113 has in the first passage the reading בֶּן שֵׁשֶׁת רַ' מוֹשֶׁה, in accordance with which Kaempf suggested the reading of מוֹשֶׁה also in the second passage (עֲשֶׂרָה שְׁעָרִים, p. 8, 11). But aside from the fact that this manuscript is well known to be full of errors (see Kaminka, *ibid.*, 468), there is no doubt that מוֹשֶׁה is

may assume that Ḥarizi speaks of a poet who flourished during the first half of the twelfth century.

The poem given here below, likewise from the Taylor-Schechter collection,² is probably the composition of this ancient poet, for the name of Joseph ben Shesheth is clearly stated in the title, and traces of the acrostic Joseph are discernible in the second stanza, where the 'Yod' and the 'Samek' of the name are marked with three dots in a slanting position—the usual sign of the letters of an acrostic in ancient manuscripts. Unfortunately the stanza is illegible just where the other initials ought to be. However, the mere fact that the name of our poet was Joseph ben Shesheth is not sufficient in itself to establish his identity indisputably.

The poem, as the title indicates, was addressed to the 'famous scholar R. Judah', but all that is left of R. Judah's patronymic is the initial ך and the final ם, from which it is impossible to learn his identity. We gather, however, that he was a Cohen,³ famous for his generosity,⁴ his great learning,⁵ and his eloquence.⁶ From the closing stanza it seems that he was involved in some struggle from which he came out victorious, but what the cause of the struggle was, or who his enemies were, is difficult to conjecture.

The purpose of the poem was to invite R. Judah to leave Spain, where he must have felt himself a stranger,⁷ and

here a dittography due to **משה בן עזרא** preceding it. For other poems by Joseph ben Shesheth cp. Neubauer, *Catal.*, II, 2699, 5b (beg. **מה נעמו . . .** **אעיר לבבי ורעיני**), 2712, 11h (beg. **יונים ירונו בינות עצי עדן . . .**). For the family name Shesheth, cp. *The Itinerary of Benjamin of Tudela*, ed. Asher, II, pp. 3-5.

² T-S. LOAN 7. Paper, 1 leaf, 15-14 cm., cursive hand, written on one side only.

³ Cp. ver. 11.

⁴ Cp. ver. 14.

⁵ Cp. vers. 15-17.

⁶ Cp. ver. 21.

⁷ Cp. ver. 2.

settle in שדה צען,⁸ which very likely stands for Fostat.⁹ From this it is to be concluded that Joseph ben Shesheth himself, though originally a Spaniard, was no longer there. Indeed, the fact that the surname *Ha-Sephardi* was applied to him is additional proof that he lived outside of Spain. If not for this, we might perhaps identify him with Joseph ben Shasheth ibn Latimi, a liturgical poet of the thirteenth century, but the latter seems to have lived to the end of his life at Lerida in Spain.¹⁰

As to the form of the poem, it may be remarked that in the manuscript the verses are not separated but follow each other continuously, occupying altogether thirteen lines. Of course there is no punctuation. The metre of the shorter verses is that which is known as *Basit*,¹¹ consisting of (1) — — ◡ — and (2) — ◡ — — — —, while that of the longer verses consists of (2) + (1) + (2), in other words, a modified form of the same metre. Each group of short verses has its own rhyme, while all the longer verses are divided into two hemistichs and have throughout the poem one uniform rhyme for the first hemistichs and another for the second hemistichs.

רהט ליוסף בר' ששת הספרדי נ'נ' פי אל שין אל אנל ר'

יהו[ד]ה ת...ן למא לשב עאני¹²

— — — — ◡ — ' — ◡ — —	— — — — ◡ —	
יגור וצרי'ו ¹³ בנלעד וזמן ¹⁴	מהליל בספרד	1

⁸ Cp. ver. 4.

⁹ Neubauer, *Mediaeval Jewish Chronicles*, I, 118; *Jewish Encyclopaedia*, V, 61 a.

¹⁰ See Landshuth, *עמודי העבודה*, p. 98.

¹¹ Kaempf, *Die ersten Makamen*, p. 21, 3 b.

¹² The meaning of this phrase is obscure.

¹³ Jer. 8. 22.

¹⁴ The Pual of זמן is post-talmudic.

מִה־לֶּךָ דְּיָה־לֵב בְּגֵרוֹת ¹⁵ תַּעֲנִי ¹⁶

בִּאֲ-נָא לֵאמֹר יִקָּר בִּלְ-יָעֵנִי ¹⁷

צַפּ וּבִשְׂדֵה-צֵעֵנִי ¹⁸

5 קוֹם עֲמָה [יִי] ל פֶּשֶׁדֶר תִּגַּל [וְת] פֶּרַח וְיָגוֹן טוֹמָן ¹⁹ מָה

יִתְחַבְּרוּ מִהֲלָלִים . . .

. חֲמוּדוֹת לֵבָב

סְבִי [ב] שְׁלוֹמִים וְאִין קוֹל . . .

מִה לְדַל הַפִּיק אֱלֹהִים רְצוֹנוֹ וְיָמָן ²⁰

הָא ²¹ גִּיר אֲרִיָּה ²² וּבִדְגַת־אֲמָנִים ²³ 10

וּבְחִיר אֲלֹהִים סָנֵן הַבְּהֵמִים

נִשְׁמַע וְהִפְלִל שְׁמוֹ בְּהַמּוֹנִים ²⁴

עַד פִּנְעֵן וְעֶרֶר ²⁵ וְכָרוּ, חֲבִי הוּא כְּמוֹפֶת בְּזָמָן ? מָה

דָּגַל חֲסָדִים וְגַם ²⁶ כָּל מִחְלָל,

עֲנִין שְׁעִיפִים וְסוֹד מְעַלְלִי ²⁷ 15

מוֹלִיךְ חֲבָמִים וְשָׂרִים שׁוֹלְלִי ²⁸

¹⁵ Jer. 41. 17, and Rashi *ad loc.*

¹⁶ = 'Wilt thou tarry', cp. Sanhedrin 11. 4 : זה : אין מענין את דינו של זה.

¹⁷ Isa. 33. 20. ¹⁸ Ps. 78. 12.

¹⁹ Analogous to זומן in ver. 1, and likewise post-talmudic. ²⁰ Jon. 2. 1.

²¹ Gen. 47. 23. We may perhaps connect this verse with the preceding and read : גִּיר אֲרִיָּה, 'and he appointed this lion's whelp'.

²² So in MS., the metre requires אֲרִיָּים, cp. 1 Kings 10. 20.

²³ The 'hatef' in this and in several other words is disregarded.

²⁴ Joel 4. 14.

²⁵ Num. 21. 1. It is simply a poetic allusion to the East.

²⁶ MS. reads וְגַם.

²⁷ Cp. the expression עֲנִינָה וְסוֹדָה in Gabirol's מַלְכוּת, בְּתוֹ מִלְכּוֹת, § מי יניע לחכמתך.

²⁸ Job 12. 17.

מֵהַ בְּלִבְלִי וְרָדַע וְנִשְׁבַּח הַיָּמִין.³⁰ מְלִישׁוֹנוֹת טָרַר²⁹
 מִיָּדָה עָבְדוּ וְשָׂאֵל חוֹפֵשׁ ?
 נֶשֶׁד³¹ לְיַעֲפִים, בְּמִרְאִיוֹ נוֹפֵשׁ,
 חֲכָמַת יִשְׁתָּיו מְשִׁיבַת נֶפֶשׁ,
 אֶם-יִדְבֵּר, נִפְרָר²⁰
 מֵהַ מְפִיו בְּדֹלַח, וְיִרַר הַפֶּן.³²
 קוֹל הַפְּשׁוּרָה בְּתַבֵּל עֵבֶר,
 קוֹל כִּי יִהְיֶה בְּאֶחָיו גִּבֹּר.³³
 וְנֶאֱזַן הַשְּׁנָאִים³⁴ וְעוֹם שֶׁבֶר³⁵
 עַם-אֵל וְגַם-עַם-קְדוֹשִׁים נֶאֱמָן³⁶ מֵהַ
 25 וְיִהְיֶה עוֹד רַחֲדָה [ד]

²⁹ 'He banished these three wise men from speech,' i.e. he surpassed them.

³⁰ 1 Kings 5. 11.

³¹ Lam. 4. 3.

³² Cp. the expression שֶׁהַפִּיק מִרְגְּלֵיכֶם פֶּה Kiddushin 39 b.

³³ 1 Chron. 5. 2.

³⁴ So in MS., but the metre is incorrect.

³⁵ Lev. 26. 19.

³⁶ Hos. 12. 1.

THE ÄRYAN WORDS IN THE OLD TESTAMENT

BY W. ST. CLAIR TISDALL, Bedford, Beds., England.

IV.

WE now come to Persian words in the Hebrew-Aramaic text which have—or seem at first sight to have—as their first element the prefixes *fra* and *ham*. Having dealt with these we shall be able to go on to consider certain other supposed Persian vocables which in reality are not such.

I. In *fra* (Avestic and Achaemenian = Greek *πρo-*, Lat. *pro*, German *vor*, Eng. *fore*) there seems to occur only the word פְּרָתָמִים in Dan. i. 3, 6; Esther i. 3; 6. 9. The B. D. B. Lexicon rightly regards this as the plural of the word which in Avestic is *fratema*, 'foremost', superlative of *fra*. As a noun it means 'chief', 'leader'. In Achaemenian the word is *fratama*, 'first': *fratamā martiyā*, 'leading men'. *Dahryunām fratemō-dhātō* in Yasht X, 18 = 'prae-positus (prae-fectus) provinciarum'. The certainty of this derivation has recently been proved by the occurrence of the comparative of the same word *fra* in the Elephantine papyri. *Fratama* (*fratema*, Skt. *prathama*) is the superlative of *fra*, and its comparative in Avestic is *fratara*. In Sachau's *Drei aramäische Papyrus-Urkunden*, I, 5 occurs פְּרָתָרַךְ, which would be *fratara-ka* in either dialect of Old Persian. The *-ka* is an adjectival termination (compare *prathama-ka*, 'foremost', in Sanskrit), not here a diminutive, and the word is rendered 'prefect'.

II. In *ham* (Avestic *hām*, &c.: Skt. *sam*, Gk. ξύν, σύν, Lat. *cum*, 'together with') we find three words, הָמָא, הַמְּנִיקָא, and אֶהְמִתָא.

1. The first of these, הָמָא, occurs in the plural (Aram.) of Dan. 2. 5; 3. 29, and is rightly explained in B. D. B. as from the Persian word which in Mediaeval times was *handām* and is now *andām*. It now means 'the body', but it formerly meant also 'a limb'. But we can trace the word farther back. In the Avesta it is *hañdāma*, 'a limb'. It does not occur in the Achaemenian inscriptions as yet found. The word comes from *hām*, 'together', and *dā*, 'to put, make' (Skt. *sam* + *dhā*). It was taken into Syriac, as well as into Aramaic, and is there *haddāmā*, 'limb', *haddem*, 'to dismember'. In Arabic it comes to mean 'symmetry', 'stature' (*handām*). The assimilation of the *n* to the *d* in Syr. and Aram. is common enough in other words. In Modern Persian *andām zadan* or *andām andām kardan* (in Armenian *andam hōshel*) means 'to dismember', just as the equivalent phrase in Daniel does.

2. The word הַמְּנִיקָא, Dan. 5. 7, 16, 29, is variously read. The received text has הַמְּנִיקָא and הַמְּנִיקָא: Ginsburg gives also the K^etib form הַמְּנִיקָא. Andreas reads הַמְּנִיקָא. The Syriac word is *hamnīkā*, and the Targ. has מְנִיקָא. In the Talmud the forms הַמְּנִיקָא, מְנִיקָא, and מְנִיקָא occur. The latter word is borrowed from the Greek form *μανιάκης*, used in Dan. by the LXX and Theodotion. *μανιάκης* is used by Polybius to denote the Celts' *torques*, 'armlet', 'necklet'. The meaning of the word in Dan. is evidently 'necklace', as has long been known: but what is its etymology? The B. D. B. Lexicon suggests that the word in its simple and indefinite form should be read *hamyānak*, and that it is a diminutive of the 'Persian *hāmyān*'. But *hamyān* is

merely the modern Persian pronunciation of the modern Arabic *hinyān*, which is a genuine Arabic derivative of the Arabic verb *hamā*, 'to fall', &c., and means (1) 'a loin-cloth', (2) 'a girdle', (3) 'a purse hanging from the girdle'. Arabic words taken into *modern* Persian do (very occasionally) take the Persian diminutive *-ak*. But we lack proof that Arabic vocables had won an entrance into *Old* Persian and there undergone such a change.

The derivation of *הַמָּנִי*, however, is really quite clear. In Avestic we have a word *maini* (=Skt. *mañi*), 'an ornament', and specially 'a necklace'. In the Avesta a vulture 'with a golden collar' (*sarenu-maini*) is mentioned. Combining this with the prefix *ham*, 'together', we should have in Avestic *hammaini* (which in Achaemenian would be *ha(m)mani*). The *-ka* termination is usual enough, not always having a diminutive sense (see above). Hence the Achaemenian form of the word used in Daniel would be *ham(m)anika*, 'a collection of necklets', a 'neck-chain': probably therefore *הַמָּנִי* or *הַמָּנִי* in the Masoretic text is right.

The Targ. form *מָנִי* is derived from the same word *mani* (*maini*), with the *-ka* but without the prefix. In Armenian the word *manek*, 'a necklace', occurs, this being the natural form of the vocable in that tongue. From this came the Greek loan-word *μανίκης* (also *μανίakov*). The other forms in Greek, *μόννος*, *μάνος*, *μόννος*, are possibly loan-words from Persian, or possibly original, like the Latin *monile*. In any case they are from the same root as *mani*. In Avestic the forms *mina* and *minu*, 'necklace', also occur: hence the derivative verb *manel*, 'to twist, spin, weave', in Armenian.

3. The third word, *מָנִי*, is the proper name of a city,

but none the less the same prefix *ham* enters into its composition. It has a prosthetic *h*, the *h* is an early error for *h*, and a final *i* is lost. All this is clear from comparing the different forms in which the name is found. The Peshittā has *Aḥmātān*, the LXX Ἀμαθά; Tiglath Pileser about 1100 B.C. writes it *Amadāna*, and the Talmud has *המדי*. This is, of course, the city of Hamadān in Persia. Dr. Driver and some others write it with the hard Arabic *h*, equivalent to the Heb. *h*. But I have never met it so written in Persian. (*Hamdān* with the *h* is the name of an Arabian tribe, the *Banī Hamdān*, having no connexion with *המדי*). Darius (*Bisitūn Inscription*, II, 76-8) writes the name *Ha(ñ)gmatāna*. It comes from *ham*, 'together', the root *gam*, 'to go', and a termination denoting the place where anything is done: hence it means 'the place of holding a *hañgama* (modern *anjuman*) or assembly'. The form Ἀγβάτανα used by Herodotus is more correct than the more common Greek Ἑκβάτανα.

III. This is perhaps the best place to deal with two proper names of men, *Haman* and *Hammedatha*, though they have no connexion with the root *ham*.

1. *Haman*, *המון*, Esther 3. 1, &c. &c. The B. D. B. Lexicon says that the etymology is dubious, but on Jensen's authority suggests that the word is the name of the Elamite god *Humban* or *Humman*. Surely we should not accept such a most unlikely derivation until we are quite certain that no simple *Persian* source can be found from which the name can come. In this case, however, the explanation and derivation are quite evident. *Haman* is the Avestic word *humanō* (nom. sing.), from *hu* (=Skt. *su*, Gk. *εὖ*), 'well', and *man*, 'to think' (Achaemenian, Sanskrit, and Avestic alike), whence Lat. *mens*, Gk. *μῆνός*, Skt. *manas*, &c.

Hence *humanō* means 'well-disposed' (= Skt. *sumanas*, Gk. *εὐμενής*). As an appellation in its Greek form the word is fairly well known. In the Masoretic text only the vowels need be changed.

2. Haman's father's name was Hammedatha, המדתא Esther 3. 1, &c. The B. D. B. Lexicon suggests that this is from *māha*, 'a month' and *dāta*, 'given', i.e. 'Moon-given', and compares the forms *Maḏárης*, *Maḏáras*, *Maḏérης*. But it would be difficult to account for the first syllable in this way,—in fact impossible. The name is doubtless *Hōma-dāta* (which in Avestic would be *Haoma-dāta*, Skt. *Sōma-datta*), 'created by Haoma'. Haoma was the *yazata* of the *haoma*-plant, which corresponds in the form of its name to the Sanskrit *Sōma*-plant. *Sōma-datta* is a name which not unfrequently occurs in Sanskrit. With *Haoma-dāta* compare *Mithra-dāta* (*Mithra-dárης*), 'created by Mithra'. The *ao* in Avestic presupposes an *au* or *ō* in Achaemenian Persian, hence, doubtless, *Hōma-dāta* is the name we need: in the nom. *Hōma-dātō* would be a common form. That the *haoma* or its Genius should be thus honoured will not seem strange to students of the Avesta (compare the worship of the *Sōma* in Vedic times). Tradition says that Zoroaster (*Zarathuštra*) was born to reward his father Pourushāspa for making copious libations of *haoma*.

IV. We come now to deal with some words which are not really Persian, though they have been thought to belong to that language. Perhaps we should here remind our readers that loan-words in the Hebrew-Aramaic text of the Bible, if derived from Persian, *cannot* have come from the shortened and corrupted forms in use in the *modern* language, for these were not yet in existence at the time when the Biblical books were written. They must have

been derived from either Avestic or Achaemenian Persian. Hence it is unscientific to compare *modern* Persian words with them, unless we are sure that these have not been altered since ancient days. The modern word *Shāh*, 'a king', was in Achaemenian times *Khshāyathiya*: hence to suggest that any Biblical word comes from the form *Shāh* would be absurd, just as it would be to say that the Italian *selvatico* is taken from the French *sauvage*, or the Arabic *ḡamīṣ* from the French *chemise*, instead of from the Latin *silva* and *camisia* respectively.

1. Bearing this in mind, let us examine the proposed etymology of the word פֶּלֶךְ, found in the plural (פֶּלְכִים) in Nahum 2. 4, *Heb.* It is now usually rendered 'steel'. The B. D. B. says its origin is dubious, but doubtfully gives Lagarde's suggestion that it comes from the Persian *pūlād* with that meaning. But this derivation is impossible for the simple reason that *pūlād* is a corruption of an older and longer form, and *did not exist* in its present shape when Nahum wrote. In Armenian, 'steel' is *poghopat*, *poghovat*. Now *gh* in Armenian represents an antique *l*; so we get the old forms *polopat* and *polovat*. From either of these, especially the latter, the Modern Persian *pūlād* is derived,—unless both languages take the word from an ancient Persian word. In the latter case, as Old Persian had no *l* (another reason against Lagarde's proposed etymology), the word would probably be *pōuru-pat* or *pōuru-vat*, the *a* being short or long. *Pōuru* in Avestic is *paru* in Achaemenian (Greek πολύ, Skt. *ṣṛu*, Germ. *voll*, our *full*): *pat* may be from the same root as the Sanskrit *paṭu*, 'sharp', or from the root *pat*, found in Avestic and Sanskrit with such meanings as 'to fall', 'to fly', &c. (cf. πετ-άπτειμι, *pēt-ere*). *Vat* may be the Avestic root *vad*, *vadh* (Skt. *vadh*), 'to wound', 'to

hurt', whence Avestic *vadare*, 'weapon', 'blow'. 'Very sharp' or 'much smiting' might describe steel not amiss. However this may be, the fact that steel in Nahum's time was not called *pūlād* in Persian, but *pōurupat*, *pōuruvat* (or, in Achaemenian, if we may similarly reconstruct the word, *parupat*, *paruvat*), shows that Nahum's פָּלָדָה cannot come from *pūlād*, whatever its etymology may be.

But is there any need for such a search? Is it not simpler to suppose that פָּלָדָה is for either פָּרְדָה (agreeing with אֵש) or פָּרְדָה, referring to הָרֶכֶב? In either case this amounts merely to the suggestion that Nahum substitutes ל for ר in a well-known Hebrew verb. (He indulges in several departures from the usual practice in vv. 4 and 5 in any case.) If with Wellhausen and Nowack we read כָּאֵש for בָּאֵש, we may render פָּלָדָה הָרֶכֶב 'like fire flash the chariots', as the Russian version does. Or, reading פָּלָדָה, we have, 'like flashing fire are the chariots'. In Assyrian the root פָּרַד means 'to be bright', while *parādu* means 'to be impetuous, to hasten'. This seems better than to invent a word to mean 'steel', for which no proper etymology can be found.

The puzzle afforded by פָּלָדָה is an ancient one. The LXX guessed that it meant 'reins' (*ῥῆναι*), and the Vulgate follows suit. The Peshittā conjectured that the word should be לָפִידָה 'torches', but this occurs just below. The *Mēšūdōt Dāwīd* takes the same view. Rashi mentions this idea, but admits he does not know what פָּלָדָה means. The Targum has בָּאֵשְׁתָּא פִּילֵי רַחֲבִיחוֹן זִמְנִין, which seems to mean, 'with fire are the elephants of their war-chariots prepared',—truly a remarkable idea!

It may be noted that, though רֶכֶב is usually masc. sing., yet Nahum makes the collective noun plural feminine by

his use of the *fem.* plur. pronominal suffix in ver. 5 (פְּרִיאָהוּ), 'their appearance'. This justifies our suggestion that פְּלִרָה should be punctuated פְּלִרָה as a *fem.* plur. present Participle. It may be noticed that Luther's version completely agrees with this view, rendering 'Seine Wagen leuchten wie Feuer'. There is really no necessity, however, to change the Masoretic בָּאֵשׁ into בָּאֵשׁ, for the former suits the sense quite as well.

2. In Deut. 33. 2 occurs the strange word which in the Masoretic text is read אֵשֶׁת־דָּת, and which used to be rendered 'a fire of law', 'a fiery law'. This rendering took דָּת for the Old Persian *dāta*, which occurs in later books, but would hardly be expected in Deut. The B. D. B. Lexicon admits that this is erroneous, and gives various suggested corrections of the text, which we need not discuss. According to Ginsburg the *K'tib* has אֵשֶׁת־דָּת. We need not try to trace an *Āryan* etymology for the word, but it may not be out of place to investigate its meaning and derivation. There seem to be two possible derivations, each of which appears to give a not unsuitable sense. (1) Ancient Egyptian has the word 'išt, 'seat, throne, place', which comes from a Semitic root וִשַׁר, whence in Arabic we have *isādah*, *asādah*, 'cushion'; *wisādah*, *wasādah*, 'cushion, pillow, couch, throne', and in the Targum in 1 Kings 10. 19, אֵשֶׁת־דָּת 'stays', 'arms' (of a throne) is used for the Heb. יָדוֹת. If derived from this root, אֵשֶׁת־דָּת in Deut. would mean 'seat, throne', and we should render, 'At His right hand there is a seat for them': cf. the Heb. אֵשֶׁר 'foundation', in Assyrian *išdu*. (2) The other possible derivation is the root which in Aramaic is אִשַּׁר 'to pour out'. It occurs in Syriac, too, where *ešād dmā* means 'effusion of blood'. In Assyrian from this root comes *šadūtu* [Muss-

Arnolt, p. 1017], 'grace', 'favour'. If we accept this view we should render the text, 'At His right hand there is grace for them'.

In either case there seems to be no need of deeming the text corrupt and adopting conjectural emendations. The ancient versions and commentators render no real help. The Targum has 'The book of His right hand gave us instruction from the midst of the fire'. The LXX have ἐκ δεξιῶν αὐτοῦ ἄγγελοι μετ' αὐτοῦ. The Peshittā renders, 'And with Him from myriads of His saints at His right hand. He gave to them'. The Vulgate has 'a fiery law', and even Ibn Ezra and Rashi accept this now exploded rendering. The difficulty which many have thus found in the passage may perhaps excuse my venturing to deal with it here.

OUR EDITION OF THE PALESTINIAN TALMUD

COMPARED WITH THE LEYDEN MS.

By L. GRÜNHUT, Jerusalem.

IT has been repeatedly maintained that the *editio princeps* of the Palestinian Talmud (Venice, 1523) was based on the Leyden MS. Z. Frankel was the first to promulgate this view in his *Jerushalmi*, Vienna, 1873, p. vii. However, this assertion can hardly be regarded as decisive. 'To Frankel, the commentator of the Palestinian Talmud,' as I have said elsewhere (*ZDPV.*, 1909, 183), 'who started out with the conviction that none of the manuscripts subsequent to the thirteenth century are correct, it may have been of no moment whether, for instance, a word begins or ends with א in one place and with ה in another . . .'

More precise is the opinion of Strack on this question, in his *Einleitung in den Talmud* (reprinted from the *Real-Encyclopädie für protestantische Theologie*, 2nd ed., vol. XVIII), 1887, p. 49. He says: '(b) Palästinischer Talmud. 1. Die einzige Hs. von bedeutendem Umfang ist die in Leiden Scaliger 3 . . . Dieses MS. war eines der vier für den ersten Druck des paläst. Talmuds benutzten und zwar, wie Vergleichung mit der Ausgabe zeigt, das für das beste gehaltene; die drei andern scheinen nicht mehr vorhanden zu sein . . .' (Comp. herewith the postscript of the editor of the *editio princeps*, end of tractate נרה).

Accordingly, Strack is not of the view that the first edition of the Palestinian Talmud was printed from the Leyden MS., as indeed this would contradict the above-mentioned postscript; only this much he assumes as established, that in the preparation of that edition, besides three other manuscripts which now, as it seems, no longer exist, also the Leyden MS. was used. This may be true; but whoever maintains Frankel's view is in the wrong. I have before me one chapter of the Palestinian Talmud printed from the Leyden MS., the eighth chapter of *Shabbat*, published as a dissertation for the doctorate by Isaac Levy, Breslau, 1891.¹ A comparison of this edition with the *editio princeps* goes far to disprove the above-mentioned hypothesis. In the following the two texts are contrasted:

MS. LEYDEN.	ED. PRINC.
פרק שביעי	() ²
על הכתות	על הכתית
ב' לעשות אוון לקופת גמי לעשות	ב' לעשות [ממנו] אוון לקופה גמי
תלוי	לעשות תלוי
לכתוב עליו קשר מוכסים חייב	לכתוב עליו קשר מוכסין
ג' דיו כדי לכתוב שתי	ג' דיו כדי לכתוב [עליו] שתי
אותות	אותיות
ד' ליתן בראש	ד' [רבך כדי] ליתן בראש
כדי לעשות כנכול	כדי לעשות כלכול

¹ The full title is *Der achte Abschnitt aus dem Tractate Sabbath* (Babli und Yeruschalmi) *übersetzt und philologisch behandelt nebst Wiedergabe des Textes des Yeruschalmi nach dem Leydener Manuscript.*

² The round brackets indicate the missing פרק שביעי. In reality, however, it should be named שמיני, since indeed it is the eighth and not the seventh פרק.

³ The large letters indicate the number of the mishnah.

ה' כחותם המרצופין	ה' כחותם המרצופין
ונתונה בפלס	ונתונה באילפס
ו' עצים ⁴ כדי לעשות תרווד	ו' עצים ⁴ כדי לעשות תרווד
כדי לגרוד	כדי לגרוד
אמר לי ר'	אמר לו רבי
[הלכה א': ר' זעירא]	[המוציא יין כדי מוינת הכוס כו']
	רבי זעורא
” ”	” ”
ר' יוסי בר	רבי יוסה בר'
אם שותה אותן	אם [הוא] שותה אותן
here entered by a second hand	תני [מבושל כדי תבל]
יודא בי ר'	יודה בי רבי
מטרונא, אפוי נהורין	מטרונה, אפוי נהירין
added as marginal gloss	[סליק לגבי א"ל מאי אוריחא חדתא
	שמעת]
ויהיו (?) חיך תלואים לך	והיו חיך תלויים לך
דמ שרין	דמ השרין
אמר רב יוסף מן	אמר רב יוסף מאן
[רב] אבדומה נחיתה	רב אבדומה נחיתה ⁵
למצניעהון	למצניעהון
ותנינן על דרבנן	ותני כן על דרבנן
[הלכה ב': ... כו']	ב' ... לקופה כו'
לעשות צפירה	לעשות צפורה
ואם לעצים	אם לעצים
תקיי תני	תניי תני
[חוב]	הוציא שטר חוב ⁶

⁴ Read in accordance with the manuscript: עצם.

⁵ Comp. Frankel, *Introductio in Talmud Hierosolymitanum*, s.v. רב אבדומה I.

⁶ The editor objects to the reading משהראהו, not being aware of the Tosefta Shabbat 9, 'Why should he present a promissory note to his creditor?' simply, as pointed out by Rashi (b. Shabbat 79a), in order to show his creditors that he is an honest man!

[הלכה] ג [כו']	ג' . . . קמיע כו'
כחול כרי	כחול כרי
ויוצאת לשוק	ויוצא לשוק
"	"
לבבתי	לבבתיני
[הלכה] ד	ד'
[הלכה] ה . . . [כו']	ה' קנה . . . כו'
ר' זעורא בעי עד	רבי זעורה בעי [ניחא] עד
[הלכה] ו	ו'
מהוא חף	מהו חף
ר' אילא בשם ר' ינאי	רבי אילא בשם רבי ינאי ישנו
שנו כמלוא רגל מדוכה	כמלוא רגל מדוכה קטנה של
קטנה של בשמים ⁷ א"ר	בשם אמר רבי יוסה לא אמרו
יוסה לא אמרו אלא של	אלא של בושם
בושם	
ר' חנניא	רבי חנניה
[הלכה] ז [חרש כל שהוא] ר'	ז' [חרש כדי ליתן בין פצים כו']
יוחנן	רבי יוחנן
appears here as marginal gloss	[תני רבי שמעון בן יוחי מסייע לרבי שמעון בן לקיש ⁸]

Such is the extent of the variations of the two texts, not to mention minor and unimportant discrepancies. And all this is found in a single chapter! Can it still be maintained that the one text had descended from the other? The future student of the Palestinian Talmud will certainly reap a rich harvest from the Leyden Codex when examined in its entirety.

⁷ Tosafot b. Shabbat 81a, s. v. ואם read בשמים. Comp. also Alfasi, *ad loc.*

⁸ I have not been able to locate this Baraita, whereas the preceding [ר' חייה] תני refers to Tosefta Kelim 7, end: מהן . . . ומקדשין . . . Comp. Grünhut, *Israelit. Mschr.* (supplement to *Die Jüd. Presse*), 1907, No. 13, p. 51a. At any rate the reading of the manuscript is more correct. To discuss other emendations is beyond my aim, nor is this the place for it.

A MISUNDERSTOOD WORD

By SAMUEL KRAUSS, Vienna.

NOT only the Greek and Roman loan-words in the Talmud and Midrash, to which I have devoted a separate work, but even quite common Semitic terms of the same literature are still misinterpreted, for the simple reason that the facts and data constituting the life of the ancient Jews are given no consideration.

This somewhat bitter truth will be illustrated by the following example :

R. Nathan of Rome, author of the '*Aruk*', has preserved for us, among many other treasures for which we are indebted to him, an old Midrash (from the Yelamdenu),¹ which reads as follows : ועתה ישראל מה בילמדנו והיה עקב חשמעון פרש' ועתה ישראל מה בילמדנו והיה עקב חשמעון פרש' כשם שחברין יושבין ה' אלהיו שואל מעמך היושבת בגנים הברים,² כשם שחברין יושבין גנוניות גנוניות ועוסקים בתורה אני יורד אצלם ואני מקשיב לקולם ושומע שנאמר לקולך השמיעני.

In this otherwise simple statement it is only the word גנוניות that offers some difficulty. The lexicographers are perplexed. Levy disregarded it altogether and does not quote it at all. Kohut endeavours to explain it by the Greek *κοινωνία* = *communion*. It is hardly necessary to prove that this is wrong. Kohut, it is true, supports his opinion by quoting a similar Midrash to the same passage in

¹ '*Aruk*, גן 6 (ed. Venice 53 a, ed. Kohut II, 315).

² Cant. 8. 13. The citation includes הברים and does not, as Kohut believes, end with בגנים.

Canticles,³ which reads thus: **כְּשֵׁאתָם קוֹרִין חֲבֵרִים אֲנִי וּפְמִלִּיא** שלי מקשיבים לקולך, and accordingly נְנוּיִית should be on a par with חֲבֵרִים. But Kohut himself remarks that in the Rabba passage the difficult word was omitted because the copyists failed to understand it. Who will vouch then that they have rendered correctly the sense of the passage by the use of חֲבֵרִים? To me it is evident that there are several haggadic explanations to the same verse in Canticles;⁴ the one made use of the expression נְנוּיִית, the other employed חֲבֵרִים. These are indeed similar but not identical terms.

Ben Jehuda, the author of the very useful and scholarly dictionary of the entire Hebrew literature,⁵ admits openly that the etymology of the word is unknown to him, yet he believes that he hit upon the sense by translating it with 'class'. He is right in giving נְנוּיִית as the singular.

It is the merit of Jastrow to have come much nearer to the meaning of the word.⁶ He derives it from נָנִין = *couch*, and translates the sentence as follows: 'when the students at college sit ג' ג' *arranged by couches* (school forms).' According to this interpretation an allusion is made to a definite arrangement of seats in the rabbinic schools, and it is conceivable that the haggadists would utilize just such a feature of the scholarly life, since indeed the latter was especially dear to them. The similarity with the sentence that one should read (the קריאת שמע or other biblical extracts) in conjunction with friends (חֲבֵרִים) suggests itself at once, since *ḥabērim* are primarily men of the learned

³ Cant. rabba to 8. 13.

⁴ As a matter of fact there are several interpretations in Cant. rabba, *loc. cit.*

⁵ מלון הלשון העברית, p. 811.

⁶ *Dictionary of the Targumim, &c.*, p. 258.

guild, and since this word is actually found in the scriptural text as well as in the fragment of the Yelamdenu.

We continue now on this road and explain גנונית as a feature of the ancient scholarly life. The Neo-Hebraic idiom is built upon the vocabulary of the Aramaic language,⁷ and hence it must not be surprising if we have recourse to the Aramaic also this time. גנוניתא or גנוניתא means in Aramaic or Syriac a little garden, garden of the house, *hortulus*.⁸ Formations like גנונית (fr. גנן) are e.g. חלולית (fr. חלל), שלולית (fr. שלל), and דנונית (fr. דנג).⁹ As a matter of fact the Hebrew גנונית¹⁰ has been combined by Segal with the Aramaic גנוניתא. The plural גנוניות is formed exactly as the plural חלוליות. With this the grammatical side of the word is sufficiently explained. But there is also no reason why the meaning should be sought elsewhere than in the word itself; the word denotes, as stated above, a small garden, a bed.

From the life of the ancient rabbis it is necessary to know that they exercised their preceptorial activities in the open field and in gardens.¹¹ I have proved¹² that the expression שורות שורות 'in single rows', occurring in the arrangement of seats for the rabbis is to be explained in this way, that the assemblies of the rabbis actually took place in vineyards, where the sitting in rows was a natural consequence. In the open field such an arrangement of

⁷ M. H. Segal, *Mishnaic Hebrew* (Oxford, 1909, reprinted from *JQR.* for July, 1908), p. 8.

⁸ Levy, I, 348; Kohut, II, 313; Jastrow, p. 258.

⁹ See Segal, *op. cit.*, p. 65f.

¹⁰ גנונית של ירק, b. Berakot 43 b.

¹¹ See my *Talmudische Archäologie*, III, 205.

¹² 'Die Versammlungsstätte der Talmudgelehrten' in *Lewy-Festschrift* (Breslau, 1911), p. 22.

seats is called *πρασιαὶ πρασιαί* (Mark 6. 40), in Hebrew perhaps *ערוגות ערוגות*. To these expressions, formed always by the iteration of the word, there is now added as third in number our equally doubled *גנוזיות גנוזיות* 'in form of small beds'. The word thus obtains its meaning without force. The meaning of the whole Midrash is now as follows:

The passage in Cant. 8. 13 speaks of listening to the voices of those who sit together as friends (*חברים*). The mere word *חברים* reminds the haggadists of the learned men who raise their voices either in the school-house or in the house of worship. The Midrash *ad locum* has haggadic sayings for both of these alternatives. Yet it is preferable to think of the seating arrangement for the scholars in the school-house, and it is in reference to this that the haggadist says: 'Those who sit there in form of small gardens,¹³ indulging in the study of the law—to them I (God) descend, listen to their voice, and hear them.'

¹³ I. e. in groups or classes.

MACDONALD'S 'ASPECTS OF ISLAM'

Aspects of Islam. By DUNCAN BLACK MACDONALD, M.A., D.D.,
sometime Scholar and Fellow of the University of Glasgow,
Professor of Semitic Languages in Hartford Theological
Seminary. New York: THE MACMILLAN COMPANY, 1911.
pp. 375.

THE 'Aspects of Islam' consist of a series of ten lectures delivered by the author at the Hartford Theological Seminary under the auspices of the Lamson Fund. They address themselves primarily to the Christian missionary in Mohammedan countries, but they contain much that is of interest and value to the general reader. Professor Macdonald, who is the author of several books on Mohammedan theology and jurisprudence, has in the present volume made excellent use of his personal experiences gathered on a recent journey through the East. The author is a keen observer, with a remarkable fitness for theological intricacies, and he approaches the complicated problems of a strange religion with that sympathy and reverence which alone can unlock the hidden recesses of the human soul. It is gratifying to find that Professor Macdonald, free from that superficial rationalism which is fond of generalizing, fully appreciates the rôle of mysticism in Islam and even finds genuine religious values in the much abused practices of the Dervishes, although he very probably emphasizes too strongly the importance of the mystic element as contained in the Koran.

For the readers of this *Review*, the most interesting chapter of the book is no doubt Lecture VII, dealing with the attitude of Islam towards the Scriptures. Here Professor Macdonald mainly relies on Goldziher's well-known contributions, but, in contradistinction from his authority, he completely ignores the influence

of the Haggadah, Jewish as well as Christian, on the presentation of biblical subjects, both in the Koran and in subsequent Mohammedan literature. Making full allowance for the undoubted mendacity of the professional story-tellers and the converts from Judaism and Christianity, it may yet be safely asserted that the bulk of biblical legends recorded in Mohammedan literature can directly or indirectly be traced back to a haggadic source. Thus the story of Korah quoted by our author on p. 225 f. as a curiosity is based upon a well-known passage of the Midrash and is even alluded to in the Koran, as was already pointed out by Geiger (*Was hat Mohammed aus dem Judentume aufgenommen?*, second edition, p. 165). The same tendency to confound the biblical accounts with the haggadic elements clustering around them is no doubt responsible for the stories of later theologians, who certainly did not 'play fast and loose in this fashion' and are, at least in this respect, free from the demoralization with which our author is inclined to charge them (cp. p. 227). In this connexion it might perhaps be pointed out that if the verse, Joel 2. 13, is quoted by Ġazālī (not Ġazzālī, as our author consistently writes) as contained in the Law of Moses (p. 228), it may in some circuitous way go back to the Mishnah Ta'anit 2. 1, where the same verse is quoted as being contained in the *Kabbalah* (ויקבלה הוא אומר). If the author had paid greater attention to this haggadic influence within Islam, he would have referred, in speaking of 'the most picturesque figure of all in the mythology of Islam, the saint al-Khaḍir' (pp. 206 ff.), to the corresponding elements in the post-biblical Elijah legend which to a large extent is the source of the Khaḍir legend (cp. *Archiv für Religionswissenschaft*, XIII, 96 ff.). In a similar manner the doctrines and legends of heterodox Christianity, though casually referred to, are not sufficiently drawn upon as sources of Islam. With reference to Ibn Ḥazm's famous polemics against the Scriptures (p. 239), the conjecture may safely be ventured that many of the objections pointed out by him were drawn from some older source and were probably the stock-in-trade with which the rationalists of those ages

operated against the Bible, or, more correctly, against the accepted biblical text (cp. my remarks in this *Review*, New Series, III, 291 f.). Similarly the same author in his attacks on rabbinical literature in all probability draws upon Karaite sources, as was already suggested by Steinschneider. The supposed references to Mohammed in the Scriptures which form the backbone of Mohammedan polemics against Judaism and Christianity are dealt with in the same lecture and are faithfully though briefly summed up and characterized. It is interesting to note that the whole series of arguments quoted from Bīrūnī (p. 234 ff.) is found unabridged in Maimonides' *Iggeret Tēmān*. Cp. in part Steinschneider, *Polemische und apologetische Literatur*, p. 326 f.

Professor Macdonald is interested not only in the past of Islam but also in its present and future. His observations in this regard are exceedingly instructive and show insight and foresight. His characterization of the Young Turks as contrasted with the Egyptian Nationalists (pp. 254 f., 277) is illuminating. The former 'are thinking of Turkey and not of Islam'. The latter 'are thinking more of Islam than of Egypt'. But not all will agree, and the latest events seem to speak in their favour, to see with our author in this latter attribute a source of weakness. Professor Macdonald eloquently describes the disintegrating influence of the modern world upon the religion of Islam. He points out the tendency in certain sections of Islam to allow 'the wheels of progress to crush out all ideals' and to accept 'the lower facts of life' (p. 256). But, as our author rightly remarks, 'religions are never ended; they develop into new forms, absorb new life, and go on again' (p. 111), and so it may be hoped that in spite of all external and internal difficulties, Islam will survive the levelling influences of modern civilization and will carry on its message as one of the great religions of humanity.

I. FRIEDLAENDER.

Jewish Theological Seminary
of America.

SOME REMARKS TO SAADYA'S *TOKEHAH*

THE following remarks may help to understand some passages in the poem by the great Gaon which was published by H. Brody in the *JQR.*, New Series, vol. III, p. 83 ff.

Page 90, line 6. Instead of מִיִּטְרַפֶּת (from Mishnah Ta'anit 3, 7 = b. Ta'anit 19a) read מְטַרְפֶּת (part. of the Hithpa'el). Rashi has מְטוֹרֶפֶת (part. of Pu'al).

ib., l. 10. The obscure groups of letters מָמָא זִיה should perhaps, after an emendation of נ to ה, be joined and read מְמַהֲזֶיהָ 'at her sight'.

ib. The words נִקְרַע הַסְּגוּר מִן הַשְּׂאוֹר are best explained by construing שְׂאוֹר in the sense of leaven, the wicked impulse, according to the well-known designation of the bad impulse as שְׂאוֹר שְׁבַעֲסָה. The words then mean: confinement is removed from the bad impulse, i. e. the bad impulse has become free and rules unbridled.

ib. Instead of טְמֵאָה we should probably read טְמֵאָה (corresponding to the parallel דָּוָה).

P. 91, l. 8. Read יִחַלֵּק instead of יִחַלֵּק (comp. Gen. 49. 27).

P. 92, l. 3. Read יָאֵב instead of יָאֵב (see Ps. 119. 131).

ib., l. 9. Read יִפְשֶׁה instead of יִפְשֶׁה. Comp. Lev. 13. 6: וְאִם פִּשָּׁה תִּפְשֶׁה הַסַּפַּחַת בְּעוֹר: וְלֹא פִשָּׁה הִנֵּנִי בְּעוֹר. Thus the phrase means: 'the eruption is spreading over his body.' Here the eruption is named as punishment for the sins of the tongue, in accordance with the well-known proposition (see 'Arakin 15 b, הַמְּצוּרָה שֶׁם רַע = המצורע). The masculine פִּשָּׁה as predicate of the feminine סַפַּחַת is explained by the fact that the latter is construed as נִנֵּנֶה.

P. 93, l. 7. Read יִקְשֶׁר instead of יִקְשֶׁר.

ib., l. 12. וְיִטְפַּח read וְיִטְפַּח (Pi'el, see Lam. 2. 22).

P. 94, l. 1. ויהוה finds its explanation in Ezek. 18. 10 (והוליד בן פריץ).

Id., l. 8. The verbs זועעו and נענעו should be read as passives ('ז', 'נ'), as the manuscript indeed has the first of these written זועעו (Pulpal).

P. 95, l. 6. Read עֶצֶר instead of עֶצֶר. It is the substantive found in Isa. 53. 8 and Ps. 107. 39. בקרה should probably be בחרון.

P. 96, l. 7. וְכַל־שִׁבּוֹן yields no sense. No doubt it is the Talmudic expression כָּל־שִׁבּוֹן 'more so'. Also further below, p. 98, l. 5, the poet employs a Talmudic formula for the conclusion *a minore ad maius* in the abbreviated way על אחת כמה (with the omission of וכמה), while p. 97, l. 10, he uses the biblical phrase אף כי. In our passage the sense is as follows: 'It—the soul—is separated from its corporeal sheath, the more so from brother and noble patron.' We should think of Ps. 49. 8.

P. 97, l. 2. יִתְּמוּ read יִתְּמוּ (Niph'al as at the source of the expression, Ps. 102. 28).

Id., l. 10. הֵתֵר should perhaps be מֵתֵר, corresponding to the following אסור.

P. 98, l. 3. Read בְּנֵהֶר instead of בְּנֵהֶר.

Budapest.

W. BACHER.

THE RIGHTLESSNESS OF MEDIAEVAL ENGLISH JEWRY *

BY FRANK I. SCHECHTER, New York.

'THE wrong wrought upon the Jews under the law . . . of Russia is all but incredible to Englishmen.' There is a note of pride in these words of Professor Dicey,¹ prefatory to an account of Russian anti-Jewish legislation, that should certainly not be begrudged to one of the leading jurists of a country that has selected a Jew as its attorney-general, and that has given to a Jessel the opportunity of making great and fundamental contributions to its system of equity jurisprudence. But, nevertheless, to the student of Jewish and of legal history there is in this censure of Russia something vaguely and reminiscently ironical. 'Jewish history has a melancholy sameness', remarks Dean Milman in his *History of the Jews*. And so, when we think of an Isaacs as the pleader for the Crown in London, we are startled by

* This Essay was submitted at a Seminar on English Legal History at the School of Law, Columbia University, and read in part at the annual meeting of the American Jewish Historical Society, New York, 1912. The principal original sources used were the Calendars of the Patent, Close, Charter and Fine Rolls, published by the Record Commission, London, and the three volumes edited by Rigg for the Jewish Historical Society of England, *Select Pleas, Starrs and other Records from the Rolls of the Exchequer of the Jews* (cited as Rigg, *Sel. Pleas*), and the *Calendar of the Plea Rolls of the Exchequer of the Jews* (cited as Rigg, *Exch. Jews*, I and II).

¹ Wolf, *Legal Sufferings of the Jews of Russia*, Introduction, i.

the *manes*, by the shades of Isaac of York or his historical prototype; Kishineff, Byelostock, and Odessa become the London and Norwich and Lynn of many centuries ago, the May Laws of 1882 echo the Statutes of Jewry of 1275, and we behold again the 'martyrs of the Isles of the Sea'. In the England that was mediaeval we shall find reflected the legal condition of the Jew in the Russia that is mediaeval. For, as a great Russian scholar has himself admitted, 'questions entirely surrendered to antiquarian research in the West of Europe are still topics of contemporary interest'² in the Empire of the Tsars.

An Anglo-Jewish writer in discussing the condition of the Jews of England at the time of their expulsion by Edward I, and lamenting the fact that we have mainly only legal records of the persecutions of the Jews in the thirteenth century, and but few literary expressions of their sufferings, tells us that for this reason 'the sufferers are to us mere shadows, and not even the most patriotic or the most imaginative of the Jews to-day can enter for a moment into their thoughts and feelings'.³ It is not my intention to endeavour to rewrite history. It will be my aim simply to present certain legal phenomena of the twelfth and thirteenth centuries, which, though we assume even the utmost judicial objectiveness, must, from the common fund of experience of suffering humanity, enable us to appreciate somewhat, not merely the legal, but the mental outlook of the Jew in those days. My task has been that of a student of law, to approach the *golus* of pre-Expulsion England through sources certainly not

² Vinogradoff, *Villainage in England*, i.

³ B. L. Abrahams, 'The Condition of the Jews in England in 1290'; *Transactions, Jewish Historical Society of England*, 1894-5, at p. 84.

biased in favour of Jewry, and hardly prone to overstate the case against the owners of the Jewry.

The first Jews probably came into England from Rouen with, or at any rate under the aegis of, William the Conqueror, about 1066. There are, it is true, provisions concerning the Jews in Anglo-Saxon ecclesiastical laws of Theodore and of Ecgberht,⁴ laws forbidding intercourse between Jews and Christians, &c., but 'some of these', Freeman tells us, 'are, on the face of them, copied from the decrees of ancient councils, and all of them may be so',⁵ while Liebermann, in discussing King Alfred and the Mosaic law, thinks that 'about the year 890 there was probably no soul living in Britain that knew Hebrew'.⁶ On the other hand, the earliest reference to the Jews in civil legislation is a famous passage in the so-called *Leges Edwardi*, or Laws of Edward the Confessor, compiled in the twelfth century, which, to quote Freeman again, 'of course represent the state of things rather under William than under Edward'.⁷

'It is to be known', runs our first indication of the legal condition of mediaeval English Jewry, 'that all the Jews, wheresoever they be in the realm, are under the liege wardship of the king; nor may any of them, without the king's licence,⁸ subject himself to any rich man, for *the Jews*

⁴ For these laws see Jacobs, *Jews of Angevin England*, 1-4.

⁵ *Hist. Norman Conquest*, V, note Q, 818-19.

⁶ *Transactions, Jewish Historical Society of England*, 1907-8, at p. 22.

⁷ *Op. cit.*, V, note Q, 818-19. See Pollock and Maitland, *History of English Law* (Cambridge, 1907), I, 468.

⁸ For example of a licence to keep Jews, see Cal. Pat. Rolls, 14 Hen. III, 387, where the following grant to Benedict of Mauritania appears: 'Concessimus etiam eidem B. quod ipse et heredes sui habeant in perpetuum Judeos in terra sua commorantes, sicut R. de Pontibus et ceteri barones Pictavenses habent in terris suis.'

*and all that they have are the king's,*⁹ and should any one detain them or their chattels, the king may demand them as his own.'¹⁰ 'They came as the king's special men,' says Freeman, 'or more truly as his special chattels, strangers alike to the Church and the Commonwealth of England, but strong in the protection of a master who commonly found it to his interest to defend them against all others.'¹¹ Why, then, was it to the king's interest thus to protect them? It is, of course, unnecessary here to dwell at length on the oft-explained prohibition of usury, or the taking of any interest whatsoever, which was then regarded as, and termed, usury. Suffice it to say that the canons of the Church forbade usury, and that, as the Canon Law applied to Christians only, the Jews were the only non-illegal usurers in England. It is true the names of the clergy are among the most prominent in the usurious transactions of the Jewries. It is true that we can find records wherein a licence is granted to a Jew to sell to a king's clerk, an archdeacon of Dorset, a certain debt,¹² or where the great Robert Burnel himself, Edward I's Chancellor of England, is present in the Exchequer of the Jews, 'though not under writ', the plea says cautiously, to press payment of a debt purchased from a Jew,¹³ but these relate the frailties of human beings and not the sanctioned acts of ecclesiastics. For the present we must assume that Christian usury is forbidden—even to the clergy—and that

⁹ Freeman, *op. cit.*, V, note Q, 819: '... the Jews are just as under the Frankish kings declared to be the king's property.'

¹⁰ Pollock and Maitland, *History of English Law*, I, 468.

¹¹ *Reign of William Rufus*, I, 160.

¹² Cal. Pat. Rolls, 16 Ed. I, 116.

¹³ Rigg, *Sel. Pleas*, 39-40. For other dealings of Robert Burnel with the Jewish Exchequer, see Rigg, *Exch. Jews*, II, 41, 42, 238.

Coke correctly states the law of the land when he says that 'no usury was then permitted, but by Jews only'.¹⁴

Here, then, at the outset, are two distinct ideas affecting the relations of the Jew with the Crown. The Jews are the only non-criminal usurers or money-lenders in the kingdom, and, on the other hand, they must ply their usury, not for themselves, but for the Crown, 'for the Jews and all that they have are the king's'. We shall now consider the first proposition.

The fact that Jewish usury is not prohibited is an all-important one in determining the status of the Jews, for on it will rest our insistence that the doctrine of Glanvil, a twelfth-century law-writer, that 'all the effects of a usurer belong to the king',¹⁵ is not the true ground for the king's control, not only over Jewish usury, but over Jewry itself. We use the term control, rather than jurisdiction, advisedly. In making this distinction, I fear that I find myself obliged to disagree with a scholar, who, as a pioneer in this field of inquiry, has been the light and the guide of every one seeking to tread thereon, and whose researches must be the starting-point of every new investigation. May I venture to differ from Professor Jacobs's interpretation of mediaeval legal theory and practice when he says that 'the king as king did not enter into any special relations with his Jews *quâ* Jews',¹⁶ that, since the personalty of every usurer as such became escheat to the Crown on his death, with the Jews it was merely from this principle of escheat in perpetual application (because their property could only be acquired by

¹⁴ 2 Inst., 89. Among pleas of the Crown to be heard at the Sheriff's *tour* were those concerning usurers. See Britton, Lib. I, C. xxx.

¹⁵ VII, C. 16.

¹⁶ *Op. cit.*, xx.

usury) that the general presumption arose, 'which was inserted even in the so-called Laws of Edward the Confessor, that "the Jews themselves and all theirs belong to the king"',¹⁷ This generalization is made even more emphatically by Professor Jacobs in another place, when, denying the serfdom of the Jew, he writes that 'from the point of view of the State, a Jew, at any rate in the twelfth century, had *no* disabilities *quâ* Jew'.¹⁸

I have given prominence to the view of the learned historian of the Jews of England, because, if it be the correct one, it seems to me impliedly to give colour to the notion hinted at by many English writers, that Edward I's decree of expulsion was really a 'self-denying ordinance'¹⁹ in the interests of religion and political science, a generous surrender of the rights of the Crown to the fruits of Jewish usury, which rights, it is intimated, were exercised by Edward with almost painful diffidence and reluctance, instead of a mere brutal discarding of 'a resource that was steadily decreasing, and was not worth husbanding',²⁰ a mere casting off of a perquisite of the Crown, since new Christian, and even Papal, usurers were at hand²¹ to encroach upon the 'royal preserve'²² of Jews.

What all these writers overlook is the fact that the

¹⁷ *Social England*, ed. Trail, I, 473.

¹⁸ 'Aaron of Lincoln' in *Jewish Quarterly Review*, X, 632. See also his article 'Aaron of Lincoln' in *Jewish Encyclopedia*, V, i.

¹⁹ See, for expression of this sentiment, Coke, 2 Inst., 507; Prynne, *Short Demurrer*, part 2, 111; Rigg, *Sel. Pleas*, XLIII; B. L. Abrahams, 'Expulsion of the Jews of England in 1290', *Jewish Quarterly Review*, VII, 95, 443, 449; Leonard, 'Expulsion of the Jews', *Trans. Royal Historical Society of England*, New Ser., vol. 5, 103-46.

²⁰ B. L. Abrahams, *op. cit.*, 444.

²¹ See *ibid.*, 457; Rigg, *op. cit.*, XXXIV.

²² McKechnie, *Magna Carta*, 271.

provision against usury of the Canon Law, incorporated in the Common Law, which itself was Christian,²³ does not apply to Jews.²⁴ 'Our law', say Pollock and Maitland, 'did not regard usury as any offence in a Jew; on the contrary, it enforced his usurious contracts for him.'²⁵ Only the effects of a Christian usurer *dying in sin*,²⁶ i.e. dying as a usurer, went to the king, but the whole history of this epoch is a testimony to the development of a royal monopoly of usury, through the agency of the Jewry, living and dying in usury, that is recognized by law and hated by the barons and the Church accordingly. Furthermore, the notion of escheat cannot at all be applied to Jews, for it is intimately bound up with feudal tenure of land. 'If any one be convicted of a felony,' writes Glanvil, 'or has confessed to felony in open court, he becomes disinherited by the law of the land as an escheat.' 'It is to be observed', he continues, 'that if any such person holds in chief from our lord, the king, then not only his lands, but also his moveable goods and chattels, in whosoever hands they may be found, shall be seized for the benefit of our lord the king, and the heir of such person shall not be entitled to any of them.'²⁷ The passage at first blush seems applicable. But to every tenure fealty is 'an inseparable incident',²⁸ and though by the early charters, in ordinary legal processes, the Jew could take his oath on the Pentateuch, so sacred a ceremony and investiture

²³ See Pollock, *Genius of the Common Law*, 78.

²⁴ See Holdsworth, *History of English Law*, I, 30; Pollock, *op. cit.*, 78; Davis, *England under the Normans and Angevins*, 273-4; Cunningham, *Growth of English Industry and Commerce*, I, 204.

²⁵ Pollock and Maitland, *History of English Law*, 469, n. 1.

²⁶ *Dial. de Scac.* ii, x.

²⁷ VII, 17.

²⁸ Co.-Litt., Sec. 131.

required an oath that no Jew could take.²⁹ Hence he could do homage or fealty to no one, and the theory that the Jewish status much resembles that of the great barons, the tenants *in capite*, and that on this account Jewish lands and chattels acquired through usury are escheatable, falls to the ground. As Professor Ames has shown, 'only that could escheat which was capable of being held by a feudal tenure'.³⁰

It is not only inaccurate but unnecessary to invoke the principle of escheat. The chattels in the hands of the Jew are the chattels of the king. If we are inclined to doubt the weight of the *Leges Edwardi*, we can bring the great Bracton himself, whose treatise on the Laws of England, written about the middle of the thirteenth century, has been called the flower of mediaeval English jurisprudence, to testify as follows: 'But a Jew cannot have anything of his own, because whatever he acquires he acquires not for himself but for the king, because they do not live for themselves but for others, and so they acquire for others and not for themselves.'³¹ Here is enforced altruism with a vengeance, a compulsory self-abnegation and self-subordination that would dismay even the most fervent and consistent preachers of the mission of Israel among the nations.

It supports the soundness of a dictum uttered by one of the justices in 37 Hen. III (1243), '*Catalla Judeorum sunt Domini Regis propria*',³² and is merely a legal

²⁹ Rigg, *op. cit.*, XIII.

³⁰ Ames, 'The Disseisin of Chattels', 3 *Harvard Law Review*, 26.

³¹ F. 386 b (Twiss Ed.).

³² Rigg, *Sel. Pleas*, 24; Gross, *Exchequer of the Jews*, Papers Anglo-Jewish Historical Exhibition, 203, n. 83. See also John's Charter to the Jews wherein the Jews are declared to be free of toll, '*sicut nostrum*

crystallization of a condition well illustrated by a very much earlier passage from the histories of William of Newburgh, written about 1194. The mediaeval chronicler, explaining the wrath of Richard I at the massacre of the Jews of York in 1190, and the destruction of the acknowledgements by Christians of debts to Jews kept in the cathedral there, says that these documents were kept there *by the royal usurers* ('a Judeis fœnatoribus regiis ibidem reposita'). 'He [Richard] is indignant', the writer continues, 'and in a rage, both for the insult to his royal majesty and for the great loss to the treasury, for to the treasury belonged whatever the Jews, who are known to be the royal usurers, seem to possess in the way of goods.'³³ The king not only gets escheats from Christian usurers dying in sin, but has his own royal usurers, the 'Judei, quos fœnatores constat esse regios'. The brutal attacks on the Jews do not wound the royal sense of humanity; they are merely a 'laesio regiae majestatis', an insult to his royal majesty. Professor Jacobs has happily described him as 'the Arch-Usurer of the Kingdom',³⁴ and it is in that capacity that Richard's feelings are outraged.

The theory of royal impartiality and Jewish civil equality mentioned above is, to some extent, based on two extracts, one from the *Dialogus de Scaccario* and another from Roger de Hoveden. I have carefully examined these passages, and cannot but derive from them additional

proprium catallum'. Jacobs, *op. cit.*, 214, thinks that the 'sicut' implies that Jewish chattels were not the king's property. But see Liebermann, *Leges Edwardi Confessoris*, 67: 'Streng übersetzt bildet es aber keinen Gegensatz zu E. C. F.'

³³ William of Newburgh, *Historia Rerum Anglicarum* (R. S.), Lib. IV, C. x.

³⁴ *Op. cit.*, 131-2.

proof that the Jews were legally controlled by the Crown merely *quâ* Jews, and that usury has nothing to do with the matter. In the Dialogue we read, 'When any one who has a lay estate, or citizen (*sic*) who deals in public usury, if he dies intestate or made a will *without having made those satisfaction whom he hath defrauded*, his money and his moveables are immediately confiscated and brought to the Treasury'.³⁵ Is it not very evident that, from the royal standpoint, the whole *raison d'être* of the Jew in England is usury, and that, had he attempted to make satisfaction to any one for taking usury, the royal will would have frustrated such intention? 'In every town in which they settled', says Mr. Pike,³⁶ 'they sat continually at the receipt of custom', custom for the king, whose weapon of extortion they became.

The passage from Hoveden is also significant. He recites a long list of Pleas of the Crown for the itinerant justices of 1194. They concern escheats, wardships, aides, and other sources of royal income, and also the crimes to be investigated.³⁷ In Article IX, the judges are to inquire concerning the massacres of York and other towns, 'of the slayers of the Jews, who they are, and of the pledges of the slain Jews and their chattels and lands and debts and deeds, and who has them and who owed them . . . And all the pledges of the slain Jews are to be taken into the king's lands'. In Article XV, the judges are to inquire 'likewise of the usurers that are dead and their chattels'. In a comparison of these two articles, I cannot see any 'confirmation of the view that the goods of Jews escheated

³⁵ *Dial. de Scac.*, ii, x.

³⁶ *History of Crime in England*, I, 159.

³⁷ Roger de Hoveden (*R. S.*), III, 263-4.

at their death to the King *quâ* usurers and not *quâ* Jews'.³⁸ There was no purpose in putting the debts of dead Jews in one article and the chattels of usurers in another, unless there was a very clear distinction in the judges' mind between the two.

It must, therefore, be our conclusion that the establishment of Archæ or chests in the Jewries for the registration of all Jewish bonds, effected by Richard after the massacres at York (the insult to his royal majesty) and on his return from exile sadly in need of money, was but a recognition of these two great principles of the tutelage of the Jews by the king and of the legal Jewish monopoly of the usury. In the harsh language of the ordinances organizing the English Jewry, we have this monopoly practically made a part of the financial system of the kingdom. 'All the debts, pledges, mortgages, lands, houses, rents, and possessions of the Jew shall be registered', commences the ordinances. 'The Jew who shall conceal any of these shall forfeit to the king his body and the thing concealed and likewise all his possessions and chattels, neither shall it be lawful for the Jew to recover the thing concealed . . . And charters shall be made of their contracts by way of indenture', one part of which 'shall remain with the Jew, sealed with the seal of him to whom the money is lent, and the other part shall remain in the common chest', until the debt is paid. No alterations are to be made in the charters, except before the chirographers in charge of the chest. And finally we come to a clause which in effect prescribes an oath of office for the Jew as royal usurer. 'Moreover, every Jew shall swear on his roll (i. e. on the scroll of the Pentateuch) that all his debts

³⁸ Jacobs, *op. cit.*, 156.

and pledges and rents and all his goods and possessions he shall cause to be enrolled, and that he shall conceal nothing as is aforesaid. And if he shall know that any one shall conceal anything, he shall secretly reveal it to the justices sent to them, and they shall detect and show unto them all falsifiers or forgers of the charters . . . where or when they shall know them, and likewise all false charters.'

The system of registration and espionage is not wholesale escheat based on the presumption of usury. It is a governmentalized industry. It is more than a 'sleeping partnership in Jewish usury'; it is a very wakeful and active participation in and superintendence of usury.³⁹ To what an extent it went is very clearly shown by a writ of 3 Hen. III (1218) to the custodians of the parts of England, commanding them to encourage the immigration of Jews (though, according to the laws of Edward the Confessor, usurers had been banished from the kingdom⁴⁰), but to prohibit Jewish emigration without a royal licence. These 'custodes portuum Angliae' are to allow free passage into England of the Jews coming to dwell therein, but only 'after having received from them sufficient security, after the law of Jewry, that as soon as each one is able, they are to come to our justices assigned to the custody of the Jews, for the enrollment of their names in our rolls'.⁴¹ The rolls referred to are, of course, those mentioned in the ordinances of the Jewry. Need we wonder, then, that in the very next year (1219) Pandulph, the Papal Legate to England, who was always 'in the van

³⁹ For striking examples of the difference in treatment of Jewish and other usury, see Cal. Close Rolls, 3 Ed. I, 108, 144 (*bis*).

⁴⁰ Glanvil, VII, c. 16, n. 1, tr. by Beames (English Legal Classics Series).

⁴¹ Cal. Pat. Rolls, 3 Hen. III, 180.

of persecution',⁴² writes to the Bishop of Winchester and Hubert de Burgh concerning certain usurious claims which the Jews are pressing against the Abbot of Westminster and others, that 'being desirous to further the king's honour, which is much lowered by all this, . . . we warmly ask and counsel you for your own honour to order the said justices not to judge the above cases until we come into those parts'.⁴³ Verily, his lament over the decline of kingly virtue would be as touching as that of a Hebrew elegist of the martyrs of York, who exclaims, 'All the princes of the sea have come down from their thrones',⁴⁴ did we not know that 'the scandal' of the case of the indebted ecclesiastics for whom Pandulph pleads 'did not suggest' (to the legate) 'that the debt should be paid and the debtors should be more prudent in the future, but that the debt should remain unpaid and the creditors should be exiled beyond the seas'.⁴⁵

From the establishment of the Archæ or registry chests for Jewish deeds, the Crown proceeds to the formation, as intimated above, of a special branch of the exchequer for the complete centralization of its control, not only of the Jewry as an agent of usury, but of the Jews in general.⁴⁶ The exact process of formation of this governmental judicial and financial bureau, which came into existence some time

⁴² Pike, *op. cit.*, 188.

⁴³ Royal Letters (*R. S.*), I, 27, quoted by Gasquet, *Henry the Third and the Church*, 46.

⁴⁴ From 'A Hebrew Elegy', edited by Prof. Schechter, *Transactions, Jewish Historical Society of England*, 1903-4.

⁴⁵ Pike, *op. cit.*, 189.

⁴⁶ The number of archæ given in Hoveden's *Capitula de Judeis* is six or seven, but that number was increased later on, when the residence of the Jews was restricted to certain towns, to about twenty-six. See Gross, *op. cit.*, 187.

during the last decade of the twelfth century,⁴⁷ is not very clear. Nor, indeed, will it be our purpose here to give an account of the Exchequer, or, in fact, of any of the governmental instrumentalities or methods of exerting control over the Jews or of making their life a burden. The sufferings of the Jews of mediaeval England have been well recounted by the mediaeval annalists, later by Prynne, Tovey, and Madox, and in our day by Gross, Pollock and Maitland, B. Lionel Abrahams and Professor Jacobs. Our task is merely to attempt to approximate some central legal idea, some constitutional basis for these sufferings, to determine the significance in mediaeval English law of the Exchequer of the Jews.⁴⁸

We have thus far considered the legal status of the Jew in mediaeval England only from its negative aspect. The Jew is not an illegal usurer, and whatever disabilities he suffers are not incidental to the practice of usury. What, then, is positively the Jew's legal condition? 'The position of the Jews in mediaeval Europe, and therefore in Angevin England,' writes a scholar oft quoted above, 'was entirely determined by the attitude of the Church towards them. State and Church were one, and none could belong to the

⁴⁷ Gross, *op. cit.*, 174.

⁴⁸ Evidently Richard must have recognized the possibilities of his Jewry when in one year (1187) he took possession of debts amounting to some £20,000 from the estate of a single great Jewish financier, Aaron of Lincoln, who had, Prof. Jacobs tells us, 'first organized the Jewry and made the whole of the English Jews his agents throughout the country' (*op. cit.*, xvii). The collection of these debts, which amounted to more than half of the royal income for that year, actually required a 'special branch of the exchequer, the Scaccarium Aaronis, with two treasurers and two clerks to look after them for many years to come' (*ibid.*). In this Scaccarium Aaronis and the Ordinances of Jewry we have the germ of the Exchequer of the Jews.

State who did not belong to the State Church.’⁴⁹ The resultant rejection of the Jew by the feudal organism is happily and succinctly explained by Miss Bateson, an English co-worker of Maitland, in the following words, ‘Nature herself offers no quainter spectacle than the efforts of the feudal organism to adapt itself to the Jewish intruder. In a society that was bound together by a system of oaths . . . came a group of men, incapable of taking Christian oaths. To find a place for this new category strained feudal subtlety to the utmost. . . . The Jews have been called royal villains, but more apt, perhaps, it would be to describe them as men “*ferae naturae*”, protected by a quasi-forest law. Like the roe and the deer they form an order apart, are the king’s property, and though protected by him as against others, nothing save the uncertain royal prudence protected them from their protector.’⁵⁰ Miss Bateson’s classification of the Jews as ‘men “*ferae naturae*”’, though perhaps a trifle harsh, is very suggestive, especially when we remember Blackstone’s definition of one species of *fera natura* as ‘a movable wandering thing’.⁵¹ But the point of her analysis is the futility of placing the Jew in any of the feudal categories. It is just by this attempt to classify mediaeval Jewry in one of those purely feudal categories, all of which are based on Christian economics and a Christian oath, by this effort, as Gross says, ‘to squeeze the mediaeval Jew of England into some one of the well-defined classes enumerated by the old jurists, Glanvil, Bracton, and Fleta, that law writers, with their ponderous legal nomenclature, have raised so much dust . . . that they and their readers can see but little of the truth’.⁵² Prynn,

⁴⁹ Jacobs, *op. cit.*, XI.

⁵⁰ *Mediaeval England*, 139.

⁵¹ 2 Comm. 18.

⁵² *Op. cit.*, 202, 3.

to cite but one instance, a learned law writer and antiquarian of the seventeenth century, who brought all his erudition to bear in opposition to Cromwell's restoration of the Jews to England, adopting Coke's terminology likens the Jew to a 'villain in gross, that is a villain which belongs to the person of the lord and belongeth not to any manor, lands, &c.',⁵³ i.e. a personal dependant unattached to any specific place. But no sooner have we comfortably endowed the Jew with all the supposed legal attributes of the villain in gross, than comes Vinogradoff, the great Russian who is teaching the English their legal history at Oxford, and, not content with having, as Maitland laments, 'by a few strokes of his pen deprived the English nation . . . of its folk-land',⁵⁴ disposes of their villains-in-gross by showing that the terms regardant or attached, and gross or unattached, as applied to villainage, 'have nothing to do with a legal distinction of status', but only with the modes of pleading and proof in the fourteenth century, and that they may apply to the same person from different points of view.⁵⁵

'Rights, duties, capacities, or incapacities', we read in Austin's famous *Lectures on Jurisprudence*, 'can hardly be said to create a status or condition, unless they impart to the person a conspicuous character: unless they run through his position in a continued vein or stratum: unless they tinge his legal being with a distinctive and obvious colour.'⁵⁶ I think that we must conclude that the Jew in mediaeval England has a status composed of legal duties and incapacities alone. The sound position is that of

⁵³ Co.-Litt., Sec. 181.

⁵⁴ *Domesday Book and Beyond*, vi.

⁵⁵ *Villainage in England*. 555-6.

⁵⁶ *Lectures on Jurisprudence*, 3rd ed., II, 976-7.

Scherer, who in his comparative study of mediaeval anti-Jewish legislation characterizes the Jew in England as a rightless financial object (or agency) absolutely dependent on the arbitrary will of the king ('ein rechtloses, von der Willkür des Königs ganz abhängiges Finanzobjekt').⁵⁷ Gneist's view is similar. He explains the origin of the Exchequer of the Jews by 'the original absence of legal rights in the Jews, whose position may be compared to that of the German Kammerknecht des Kaisers',⁵⁸ and finds that 'their legal capacity depends upon the royal favour alone'.⁵⁹ In this latter quotation from Gneist we have the most accurate and general summary of the whole situation, one that brings the mediaeval English Jew in touch with, and at the same time in striking contrast to, his nearest feudal equivalent, the villain. I do not intend to raise the dust of which Gross complains, but once we have the basic idea established, that in mediaeval England the Jew is legally *sui generis*, we must not forget that what we shall term the rightless legal capacity of the Jew was exercised through mediaeval legal institutions, founded on feudal conceptions. To understand the legal machinery of the Exchequer of the Jews, we must seek out the ideas as to villainage and other feudal institutions possessed by the justices of the Jewish Exchequer, who were royal officials, often learned in the laws.

'In theory and in practice', writes Vinogradoff in his work on Villainage in England, '... whatever was acquired by the bondman was acquired by the

⁵⁷ *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern* (Leipzig, 1901), 89.

⁵⁸ *Constitutional History of England* (tr. Ashworth), I, 228, n. 4.

⁵⁹ *Ibid.*

lord. . . . The bondman had no money or chattels of his own. But the working of these rules was limited by the medieval doctrine of possession. Land or goods acquired by the serf do not *eo ipso* lapse into his lord's possession, but only if the latter has taken them into his hand. If the lord has not done so for any reason, . . . the bondman is as good as the owner in respect of third persons. He can give away or otherwise alienate land or chattels; he has the assize of novel disseisin to defend the land, and leaves the assize of mort d'ancestor to his heirs . . . a third person cannot except against a plaintiff merely on the ground of his personal status. As to third persons, a villain is said to be free and capable to sue all actions.'⁶⁰ I have quoted Vinogradoff at length because here he gives us the essence of villain status. The analogy of Jewish serfdom is tempting, and Pollock and Maitland have carried it out as far as it may safely go. 'This servility is a relative servility,' they say; 'in relation to all other men the Jew is free.'⁶¹ The Jew is in possession of land and chattels as against all others, except the king. In fact, we find some Jews building 'in the middle of the city of York at a very great expense large houses like royal palaces . . . behaving', as the mediaeval chronicler complains, 'with almost royal state and pomp';⁶² while in Stamford the sight of their wealth drove four Christian youths, who were on their way to the Crusades, to commit pillage and murder to get the wherewithal 'for the necessary uses of the pilgrimage they had undertaken'.⁶³

⁶⁰ Vinogradoff, *op. cit.*, 68.

⁶¹ Pollock and Maitland, *History of English Law*, I, 468.

⁶² William of Newburgh, I, 312, from Jacobs, *op. cit.*, 117.

⁶³ *Ibid.*, I, 310, from Jacobs, *op. cit.*, I 5.

‘Again,’ say Pollock and Maitland, ‘the king does justice upon and between his Jews, as the lord does justice upon and between his villains . . . Lastly, the lord, when his own interests are not at stake, is content that his villains should settle their own disputes in their own way under the supervision of his steward, and so the king is content that, as between his Jews, Jewish law shall be administered by Jewish judges.’⁶⁴

The analogy is attractive, and it holds good in all the particulars cited above, with one important exception. It is generally believed that the Jews in pre-Expulsion England had a limited juridical autonomy throughout the whole period of their sojourn therein. I do not think, however, that we can safely assert even a limited juridical autonomy for the Jews after the year 1242, despite the clause in John’s Charter giving the Jews the right in pleas, other than those of the Crown, to administer their own Talmudical law in their own courts. The two writs printed in the note 65 below now make it very doubtful whether the

⁶⁴ Pollock and Maitland, *History of English Law*, I, 471-2.

⁶⁵ ‘*Pro David*’, *Judeo Oxon*.—Rex Magistris Mosseo de London’, Aaron de Cantuar’ et Jacobo de Oxon’, Judeis, salutem. Prohibemus vobis ne decetero placitum teneatis de David’, Judeo Oxon’, et Muriel’ que fuit uxor ipsius nec ipsum ad uxorem ipsam vel aliam capiendam vel tenendam aliquatenus distringatis; scituri pro certo quod si secus egeritis gravem penam exinde incurretis. Teste ut supra.

‘*Pro David*’, *Judeo Oxon*.—Quia de consilio venerabilis in Christo patris W. Eboracensis archiepiscopi, et aliorum de consilio regis provisum est quod de cetero nulla capitula teneantur de Judeis in Anglia, mandatum est justiciariis ad custodiam omnibus Judeis Anglie ex parte regis firmiter inhibeant ne decetero capitula teneant in Anglia. Et Peytevinum de Lincolnia, Muriel’ que fuit uxor David’ de Oxon’, Benedictum filium Peitevini de Lincolnia et Vaalyn’ et Mosseum de Barbun’, Judeos, venire faciant coram prefato archiepiscopo et aliis de consilio regis in octabis Sancti Michaelis, ubicumque fuerint in Anglia, responsuri quare miserunt

Beth-Din as a judicial tribunal had the royal sanction and authority behind it after the year above mentioned. These writs of 26 Henry III (1242) clearly intimate that no 'chapters', i.e. no Jewish ecclesiastical courts, may, since the passage of a certain ordinance, which I have thus far been unable to find, be held concerning Jews in England, and that would-be litigants may not even send to their brethren abroad (in this case in France) for legal advice. Any attempt of the Beth-Din to hold unauthorized sittings and to enforce its judgements is to be severely dealt with.

The Jewish tribunals would seem later to have become merely consultative bodies, whose advice is taken on points of law, but whose decrees were not enforceable except at the pleasure of and through the justices of the Jews. As an illustration of the consultative character of the Beth-Din, we have a case reported in Rigg's Plea Rolls of the Exchequer of the Jews (I. 152), wherein in 1267 Milla, a widow, seeks free administration of her deceased husband's goods. But Samuel of Bohun claimed the widow to wife 'by reason of contract and commerce. The Masters of the Jewish Law (who, as has repeatedly been shown, most recently in an admirable chapter on the Masters of the Law in Stokes's *Studies in Anglo-Jewish History*, constituted the Beth-Din) came before the justices and pronounced the marriage null and void, therefore Milla is allowed to have free administration of her husband's goods without the said Samuel's consent.'

But returning to the analogy, just as there is a legal

ir. Franciam ad Judeos Francie pro capitulo tenendo super Judeos Anglie. Et mandatum est predictis justiciariis quod non permittant predictum David' de Oxon' distringi ad aliquam uxorem capiendam, nisi de voluntate sua. Teste ut supra.—(Cal. Close Rolls, 26 Hen. III, 465.)

difference between Jewish and Christian usury, so are there certain vital differences between Christian villainage and Jewish serfdom. To Christian villainage in Bracton's day—and Vinogradoff's analysis is largely based on Bracton—the Common Law applies, and to the Christian villain the Common Law to a certain extent offers protection. The rule that the villain has no action against his lord has one important exception: if the defendant had taken away the plaintiff's plough and plough-team, then 'wainage' would be for the recovery of these in the Royal Courts.⁶⁶ Here is evidently a survival of the time when the villains were free Anglo-Saxon peasants, having rights in their land and oxen. In fact, Maitland has shown that the villains before Domesday had the ownership of their land and oxen,⁶⁷ and that they were not tied to the soil as in the days of Bracton.⁶⁸ Not till Henry II's day can we say that 'the land he occupied was part of his lord's demesne', and that 'his chattels were his lord's'.⁶⁹ On the other hand, the Jew, as we have said above, is not in the protection of the King's Courts, and has no remedy whatsoever against his lord. The principle that 'the Jews and all that they have are the king's' came into England with the Conqueror as the consensus of mediaeval Christian Europe.⁷⁰ Here, then, is the fundamental distinction between Jewish serfdom and Christian villainage. 'The law of villainage contained heterogeneous elements, and had been derived partly from the status of free ceorls'⁷¹ of

⁶⁶ Vinogradoff, *op. cit.*, 74-5.

⁶⁷ Maitland, *op. cit.*, 54.

⁶⁸ *Ibid.*, 51.

⁶⁹ *Ibid.*

⁷⁰ 'The Normans had then no written law to bring with them to England, and we may safely acquit them of much that may be called jurisprudence.' (Pollock and Maitland, *History of English Law*, I, 77.)

⁷¹ Vinogradoff, *op. cit.*, 421.

Anglo-Saxon times, while the law of Jewish serfdom has no source in any free institution.⁷²

The status of the Jew is unique, different from that of any feudal category. 'The Jews,' says Bishop Stubbs, 'like the forests, were the special property of the king, and, as property worth careful cultivation, they had peculiar privileges and a very dangerous protection.'⁷³ It is interesting to see how often scholars have compared the status of the Jews to that of the forests in England. Nor is there anything fanciful in this analogy of Stubbs, Miss Bateson, and many others.⁷⁴ It would certainly appear sound looked at through the royal eyes. In the Patent Rolls of 40 Hen. III, we find an appointment of Guy de Rupe Forti, to keep the castle of Colcestre with the hundred and demesnes appertaining thereto and certain revenues and escheats therefrom, 'saving to the king and his heirs (among other things) the wood of Kyngeswoode' and 'the Jewry of that town'.⁷⁵

Well, indeed, did the king protect his royal preserve of Jewry, and well did he cultivate it. Jews are to be impleaded and to plead only 'before Us' (*coram nobis*),⁷⁶ according to the charter of King John, and to wage his

⁷² It is not strange, therefore, that, while Article XX of the great Charter of 1215 protects the wainage of a villain in the king's mercy, Articles X and XI, aimed, not so much at the Jews as at their royal proprietor (see Gross, *op. cit.*, 209), deprived the Jews of considerable income (see Adams, *Origin of the English Constitution*, 260).

⁷³ *Constitutional History of England*, II, 558-9.

⁷⁴ See Lyte, *History of University of Oxford*, 58-9; Davis, *op. cit.*, 173-4; Pollock and Maitland, *History of English Law* (Cambridge, 1907), i. 472.

⁷⁵ Cal. Pat. Rolls, 40 Hen. III, 482.

⁷⁶ See Holdsworth, *op. cit.*, 31; Jacobs, *op. cit.*, 216; Rigg, *Sel. Pleas*,

law on the Scroll of the Pentateuch (*super rotulum suum*),⁷⁷ and a little later the justices of the Jews have exclusive jurisdiction in all cases affecting Jews save in Pleas of the Crown. All poachers on the 'royal preserve' of the Jewry are emphatically sent about their business, and the ecclesiastics, who ache to get jurisdiction of the Jews, suffer most thereby. There is a significant writ of 1218 to the Sheriff of Hereford, wherein, despite the prohibition of the bishop, the Jews are allowed to continue to hold their 'commune' as in the time of John. They are to have the same privileges 'as they were accustomed to in the time of our lord, King John'. And the writ continues: [We command you] 'to cause proclamation to be made throughout all your bailiwick that we have granted to them (the Jews) our firm peace, notwithstanding any prohibition issued by the Bishop of Hereford, since nothing pertaining to our Jews concerns him. And we prohibit you to lay hands upon them or their chattels, or to take or imprison or implead them or to allow them to be impleaded by another. And you are not to allow them to be impleaded in Court Christian.'⁷⁸

The exclusive jurisdiction of the justices of the Jews is maintained, not only through such writs, but by justices themselves by right of supersedeas and prohibition,⁷⁹ and by giving Jews wrongfully impleaded a remedy against the

⁷⁷ See note 70 above, also Bracton's *Note Book*, ed. Maitland, II, plea 918, and Rigg, *Exch. Jews*, II, 56.

⁷⁸ Cal. Pat. Rolls, 2 Hen. III, 157. The same writ is issued to the Sheriff, Constables, or citizens of Worcester, York, Lincoln, Stamford, Bristol, Gloucester, Northampton, Southampton, and Winchester. Prynne, *Short Demurrer*, part 2, 42; Cal. Pat. Rolls, 5 Hen. III, 290; Rigg, *Sel. Pleas*, 78; Cal. Close Rolls, 16 Ed. I, 497.

⁷⁹ See Tovey, *Anglia Judaica*, 48; Prynne, *Short Demurrer*, part 2, 48, 51.

offender. Thus a day is assigned to Richard de Colleshul, 'for that he wronged Solomon, causing him to be impleaded in the Court of the Bishop of Sarum's manor of Ramesbury, and to receive judgement, against the Crown and the king's dignity',⁸⁰ and a commission of oyer and terminer is issued to investigate the wrongful impleader of Henna, a Jewess, before the archdeacon's court in Nottingham for blasphemy.⁸¹

How independent a legal and financial entity the Exchequer of the Jews becomes, despite the fact that it is connected with and controlled by the great Exchequer,⁸² is well brought out in a writ of 1280 that seeks to end the custom of directly petitioning the king as the source and fountain of justice. 'Whereas', it runs, 'men coming to Parliament are frequently delayed and disturbed by the multitude of petitions brought before the king, most of which might be disposed of by the Chancellor or justices, it is provided that all petitions that concern the seal (*le sel*) shall first come to the chancellor, and those that concern the exchequer shall come to the exchequer, and those that concern the justices or law of the land shall come to the justices, and those that concern the Jewry shall come to the justices of the Jewry.'⁸³ The Jewish Exchequer is thus a separate royal court, which is not concerned with the law of the land.

With what law, then, is the Jewish Exchequer concerned? What law did the justices administer for the Jews, and how

⁸⁰ Rigg, *Exch. Jews*, I, 234.

⁸¹ Cal. Pat. Rolls, 6 Ed. I, 287. See also Rigg, *Exch. Jews*, II, 129; XIII-XIV.

⁸² See Madox, 249-55.

⁸³ Extracts from the Close Rolls, Ed. I (1278-88); *Transactions, Jewish Historical Society of England*, 1899-1901, 204-5.

could any law be administered for them, if our contention be correct that the Jew is rightless, that he has no 'persona standi in iudicio', no capacity to sue as of right?⁸⁴ I am not about to commit that most dire of legal heresies, to attempt to conceive of a legal remedy that is not based on a legal right. The legal rights were there, in the courtroom, but they belonged to the Crown, and were merely exercised by the Crown through his chattels, the Jews. The 'feudal lord had no right to bring an action in the name of his villain',⁸⁵ and also with his serfs the king usually allowed the Jews to sue in their own name. When the royal interests are not immediately involved, the justices apply the *Consuetudo et Assisa Iudaismi*, the law and custom of Jewry, as developed by the justices in accordance with the king's will and the peculiar legal condition and financial methods of the Jews.⁸⁶ The spirit of this law is practically that of a charter of 52 Hen. III (1268) to the citizens of London, reading: 'De Iudaeis autem nostris nos et civitatem nostram praedictam tangentibus providebimus nos et heredes nostri, prout melius nobis videbimus expedire'⁸⁷ (Concerning our Jews coming to us and our aforesaid city, we and our heirs shall provide as we shall see will profit us to our better advantage). The king gives them an elaborate legal machinery, over which he has a strict and strenuous control. He directs many of their financial operations,⁸⁸ and sometimes takes these out of the

⁸⁴ See Gneist, *op. cit.*, I, 228, n. 4.

⁸⁵ Ames, 'Disseisin of Chattels', 18, *Harvard Law Review*, 27.

⁸⁶ See Rigg, *Sel. Pleas*, xxi.

⁸⁷ *Liber Custumarum* (R. S.), 251.

⁸⁸ For extension of time of payment of debts owed to Jews by such as are abroad on the king's service, see Cal. Close Rolls, 12 Hen. III, 410, 414, 415 (*bis*), 439, and 26 Hen. III, 503. For orders to make proclamation in

hands of his usurers altogether.⁸⁹ Benedict of Lincoln and six other Jews have to pay him to make sure that he 'will not cause any extent, prorogations of terms, quittance or gift to be made of debts which are owing to them' for five years.⁹⁰ Edward I assigns a debt due to one of his Jews to a citizen of Genoa in part payment of moneys he (Edward) owes the Genoese.⁹¹ He not only assigns Jewish debts but Jews themselves to this or that member of his family to have and to hold with all their goods, debts, and chattels, free and quit of all aids, tallages, imposts and demands, with all the liberties, laws, and customs of the Jewry.⁹² And Henry III assigns the Jewry *en masse*, first to Prince Edward,⁹³ his son, who was later to expel the Jews, and then, by way of mortgage, to the Cahorsin money-lenders, who plied their usury under Papal protection.⁹⁴

Edward grants to Eleanor, his mother, that 'no Jew shall dwell or stay in any towns which she holds in dower',⁹⁵ and in view of this grant we have a brutal order to the justices 'that the Jews of Marlborough be deported to our town of Devizes, the Jews of Gloucester to our town of

the Synagogues that Jews holding certain chirographs are to appear before the Justices at Westminster regarding them, see Rigg, *Exch. Jews*, 101, 106, 112, 113, 115, 183, 263, and Rigg, *Sel. Pleas*, 12.

⁸⁹ For an assignment to Edward's Consort, Eleanor, of all debts due from Norman d'Arcy to the Exchequer of the Jews, see Cal. Close Rolls, 9 Ed. I, 70; for a wholesale assignment to Eleanor of debts in the chirograph-chests at Ely, see Cal. Pat. Rolls, 13 Ed. I, 212.

⁹⁰ Cal. Pat. Rolls, 46-7 Hen. III, 205. For a similar grant, see *ibid.*, 201.

⁹¹ Cal. Close Rolls, 4 Ed. I, 259.

⁹² Cal. Close Rolls, 6 Ed. I, 466. See also *ibid.*, 11 Ed. I, 245, and Rigg, *Exch. Jews*, II, 170.

⁹³ See Prynne, *Short Demurrer*, part 2, 52.

⁹⁴ See *ibid.*, 55, and note 21 above.

⁹⁵ Cal. Pat. Rolls, 3 Ed. I, 76.

Bristol, the Jews of Worcester to our town of Hereford, and the Jews of Cambridge to our town of Norwich, with their chirograph chests and all their goods . . . ' ⁹⁶ This heartless root and branch deportation will hardly support the notion that the Jews had either the rights of property, which constitute ownership or dominion, or those 'personal rights which belong to every person as such'.

Now, in conceiving the Jewish status to be that of what Maitland would call 'the rightless slave that is a thing', I am perfectly aware that we must not lose our historical sense of proportion, that we must remember the circumstance, time, and place of legal phenomena before setting them down as agencies of oppression. In the England of the epoch under discussion perhaps the only thoroughly non-sectarian institution was royal extortion—that is to say, Christian and Jew were often mulcted alike with utter impartiality by the Crown in the course of their business operations, litigation, and even social relations. In Appendix V of his 'Jews of Angevin England' Professor Jacobs has shown us that 'for nearly every one of the payments made by an English Jew' he can produce evidence (from Madox's *History of the Exchequer*) of similar fines, &c., made by other Englishmen.' A good idea of the king's financial instruments is to be gained from such writs as, for instance, we find in the Calendar of the Patent Rolls for 4 Edward I (p. 138), wherein there is recorded a 'mandate to the mayor, bailiffs, and citizens of York, on complaint of the commonalty of that city, that the smaller men are rated to tallages, fines, contributions, and amercements out of proportion to their means, to charge them justly henceforth, lest the king have to apply other measures.'

⁹⁶ Rigg, *Sel. Pleas*, 85 : cf. Cal. Fine Rolls, I, 48 (3 Ed. I).

But the fact that Christians also were made to pay for various legal processes and business operations does not justify the conclusion that they were on as low a legal plane as the Jews, and, likewise, the fact that the Jews used certain common legal processes that were also used by Christians hardly warrants the assertion quoted above, that, 'from the point of view of the State, a Jew, at any rate in the twelfth century, had *no* disabilities *quâ* Jew'. The rights of Englishmen may have been slight enough, and their duties onerous enough, when viewed from the point of view of the twentieth century, but they were the rights and duties of Englishmen, and in these categories the ephemeral privileges and licences and the heavy responsibilities of the Jews cannot be included. Indeed the very phrase 'Englishmen of Jewish faith' has a tragicomic ring to me, at least when used of the martyrs of York.

We come, therefore, to the conclusion that the Jew has not mere 'disabilities' under the mediaeval system of English law, but that he does not exist at all for that system except as what we might call an inanimate financial agency of the Crown. In this capacity he is well protected, as, for instance, in a grant recorded in the Patent Rolls of 9 Edward I (p. 433), '. . . with the assent of the commonalty of the Jews of England that Hagin, son of Deulacres, shall hold for life the office of priest of the said Jews (*presbiteratus Judeorum eorundem*) . . . ; directed to all justices and others and to the Jews of England, who are to protect the said Hagin in his office. And if any offence shall be done to him, it shall be amended to him *as to the king's demesne Jew*, whom he specially retains in the said office, saving to the king the amends due to the king as his forfeiture.'

Even if we find a Jew getting a grant in fee,⁹⁷ making a final concord,⁹⁸ buying and selling manors,⁹⁹ succeeding to a father's lands,¹⁰⁰ purchasing 'a toft and a bovate in Refham with the men there dwelling',¹⁰¹ and 'performing all the legal processes in connexion with the tenure of land, exactly as all the rest of the king's lieges' on the one hand, and if, on the other hand, the pleas rolls of the Jewish Exchequer and other documents give us actions of detinue,¹⁰² breach of covenant,¹⁰³ trespass,¹⁰⁴ writ of battery,¹⁰⁵ claims of dower,¹⁰⁶ wrongful defamation,¹⁰⁷ replevin,¹⁰⁸ and debt,¹⁰⁹ all these do not affect fundamentally the Jewish status. The Jew, of course, conducts the king's business through the legal processes then in use, but he uses these processes of grace, or rather as long as it suits his royal master. The fountain of justice is as uncertain in flow as it is muddy in contents. In the formidable catalogue of actions given above, he does not sue in maintenance of his own right, but as a medium through which the right of the Crown is exercised. It is the right of the Crown that his Jews

⁹⁷ Jacobs, *op. cit.*, 177; see Bracton, f. 113.

⁹⁸ *Ibid.*, 99.

⁹⁹ *Ibid.*, 80.

¹⁰⁰ *Ibid.*, 145.

¹⁰¹ Cal. Charter Rolls, II, 21 (43 Hen. III).

¹⁰² See Rigg, *Exch. Jews*, I, 120, 131, 132, 139, 143 (*bis*), 145.

¹⁰³ *Ibid.*, 123, 4.

¹⁰⁴ *Ibid.*, 158.

¹⁰⁵ *Ibid.*, 182.

¹⁰⁶ *Ibid.*, 192, 232, 283; Cal. Close Rolls, 8 Ed. I, 47-8.

¹⁰⁷ Rigg, *Exch. Jews*, II, 175, 254. Defamation is brought here nearly a century before it appears in any other royal court. This is an excellent example of the consistency with which the Crown maintained its exclusive jurisdiction over the Jews at the expense of the ecclesiastical courts. The ecclesiastical and also the seignorial courts then had jurisdiction in all pleas of defamation. See Holdsworth, *op. cit.*, 316-17; Pollock and Maitland, *History of English Law*, I, 130; Veeder, 'History of the Law of Defamation' in *Select Essays in Anglo-American Legal History*, III, 446-7.

¹⁰⁸ Rigg, *Exch. Jews*, II, 175, 254.

¹⁰⁹ *Ibid.*, 289, 298.

shall acquire wealth for the royal use, and that in this acquisition they be not injured by either Jews or Christians, and in the exercise of this right he is not averse to making the Jews parties to his actions, and allowing them to pay heavily for the privilege.¹¹⁰

The grant to the Sheriff of Salop, in aid of the bridge at Moneford, of pontage, i. e. the right of charging toll, with power of fining for rafts of firewood or timber damaging the bridge, and 'a special custom on every Jew and Jewess crossing the bridge, on horse-back 1*d.*, on foot $\frac{1}{2}$ *d.*',¹¹¹ the grant in return for a sum of money 'to the Burgesses of Derby, they and their heirs for ever, that no Jew or Jewess by the king and his heirs (*sic*) shall henceforth remain in the said town';¹¹² the mandate to all the Jews of England to take care of Seman, the king's balister, equipping him as the king had formerly ordered;¹¹³ the acknowledgement by Hagin 'on behalf of the whole community of the Jews of England of a debt of £39 to Peter Ercaurd, Merchant, for wines had from him to the use of the king';¹¹⁴ and the law that, not only were Jews and Jewesses to wear the yellow badge, but to refrain from purchasing and eating meat during Lent;¹¹⁵ these are some of the true indicia of the legal condition of the Jews in England, *quâ* Jews, in the Middle Ages. Truly they are as men *ferae naturae* (wild beasts), the chattels of the king, who protects them

¹¹⁰ They paid for a proclamation of debts (Rigg, *Exch. Jews*, II, 13), for a scrutiny of the Rolls (*ibid.*), and many other preliminaries to actions, and for direct interference by Letters Patent with the course of justice as administered in the Exchequer (see Rigg, *Sel. Pleas*, 19-26).

¹¹¹ Cal. Pat. Rolls, 12 Ed. I, 116.

¹¹² Cal. Pat. Rolls, 45 Hen. III, 153. See also *ibid.*, 50 Hen. III, 613.

¹¹³ Cal. Pat. Rolls, 22 Hen. III, 229.

¹¹⁴ Rigg, *Exch. Jews*, I, 201.

¹¹⁵ See Rigg, *Exch. Jews*, XLIX.

mercilessly till he expels them. In 1290 they go forth again on their march through the *golus*, some to perish and many to fall a prey to some new protector. Here again, in their subsequent history, their lot is that of the roe and the deer in the royal forests, for, as Blackstone tells us, when the king 'voluntarily abandons the use' of these animals, 'they return to the common stock and every man has an equal right to seize and enjoy them afterwards'.¹¹⁶

¹¹⁶ 2 Bl. Comm. 14.

THE SCANSION OF MEDIAEVAL HEBREW POETRY

BY B. HALPER, Dropsie College.

I

ONE of the essential characteristics of poetic compositions, apart from the aesthetic beauty of their contents, is the harmonious structure of their outward form. Besides polishing every sentence, poets throughout all ages sought to arrange syllables in such a way as to obtain a rhythmic flow. As formerly poems were composed for recitation, they had to be made pleasant to the ear, and hence metre and rhyme developed. Incidentally metre and rhyme, especially the former, helped to preserve the poems from being corrupted in the mouths of the reciters. For in most cases when one word is substituted for another the metre is disturbed.

In mediaeval Hebrew poetry, owing to the peculiar history of this branch of literature, an accurate knowledge of scansion is of vital importance. Composed by writers whose aim was to imitate the Arabian poets, the Hebrew *Dīwāns* were up till recently copied and edited by men who had little or no knowledge of Arabic prosody. The texts were in many cases corrupted beyond recognition, and it is only with the help of the metre that we can hope to restore the original lines as they left the hands of the author. Thus as an apparatus for textual criticism a knowledge of the metres is indispensable. This know-

ledge, however, must be accurate, otherwise it is apt to mislead rather than guide us. It is exasperating to come across notes in modern editions of *Dīwāns*, where the editor informs us that he emended the text in accordance with the metre, when the metre was entirely misunderstood by him.

Alive to the importance of this subject, Jewish writers, at different times and from different points of view, made many attempts to describe and classify the metres employed by the Hebrew poets whose mother tongue was Arabic. Foremost among early writers is Sa'adyā b. Dannān¹ who in his chapter on the metres² gives an exhaustive account of this subject. But although he may rightly be called a skilful versifier, and it must likewise be admitted that his Hebrew style, despite its slight harshness in many places, is quite fluent, he failed to grasp the fundamental principles of Arabic prosody. It is certainly true that he is versed in the language and literature of the Arabs. But it is equally true that he often misunderstands his models. To prove this assertion we need only mention the fact that Sa'adyā in the above-named chapter gives the following two verses as *Wāfir* and *Kāmil* respectively:³

(1) מְצוֹת אֲנָשִׁים בָּלֶם קְרוּשִׁים טְהוּרִים

דְּבָרֵי חֲכָמִים דְּרָשׁוּ טַעֲמִים בְּרוּרִים

(2) בְּרָבִי נִפְשִׁי אֶת יְהוָה כִּי הוּא אֱלֹהֵינוּ

הוּא שְׁלֵחַת אֵף לַעֲשׂוֹת חֲפָצוֹ מִמְעוֹן קָדְשׁוֹ

¹ The transcription *Danan* is certainly inaccurate, as in Hebrew it is דָּנָן. On analogy of many proper nouns spelt in this way, as, for instance, *Hassān*, *Hajjāj*, I think the correct pronunciation is *Dannān*.

² *Meleket ha-Sir*, ed. Neubauer, 1865.

³ *Op. cit.*, pp. 14, 15.

He even misunderstands the significations of some of the metres. Thus it is well known that *Basīṭ* means *extended*, *outspread*. Yet Sa'adyā translates it into Hebrew by פשוט *simple*.⁴ Now *basīṭ* happens to signify 'simple' in colloquial Arabic and in philosophic terminology, but the very compound character of this metre excludes its being called by that name. As an apology for Sa'adyā it may be stated that some Arabian writers committed the same error. He renders *ramal* by חול *sand*,⁵ confusing *raml* with *ramal*.

In recent years this subject was again taken up, and in some cases treated more scientifically. But the remarkable feature about it is that, although in a matter of this nature only one interpretation is possible, unanimity of opinion has not been secured. H. Brody, who has devoted a great deal of energy to this investigation, and has done praiseworthy work in the field of mediaeval Hebrew poetry, published a pamphlet entitled *Studien zu den Dichtungen Jehuda ha-Levis. I. Über die Metra der Versgedichte* (Berlin, 1895). In this treatise he gives a scientific account of the introduction and development of the Arabic metres in the Holy Tongue. Had the treatment of the various metres been accurate Brody would have left nothing to be desired. Unfortunately, however, in many cases his classification of the metres is based on opinions which cannot be substantiated, and he was therefore driven to resort to anomalous vocalizations. The reason of his failure to give a final solution to this simple matter must be attributed to his having resorted to theory

⁴ *Ibid.*, p. 11. It is unlikely that Sa'adyā meant the rare usage of פָּשַׁט *he stretched*.

⁵ *Op. cit.*, p. 13.

instead of practice. Instead of studying the Arabic metres at first hand, he merely consulted Freytag. Now Freytag's *Darstellung der arabischen Verskunst*, though it was excellent for its time (it was published in 1830), has long ago become antiquated. Moreover, he follows Sa'adyā too blindly, and takes over the errors of the latter. It is through these circumstances that he is led to state⁶ that the feet *mufā'ilatun* and *mutafā'ilun* are impossible in Hebrew, since two moving *šwās* cannot follow each other. As a matter of fact the two consecutive short syllables of these two feet are not the rule in Arabic, they may only be substituted for a long one. A full description of this point will be given later on when Kāmil and Wāfir will be dealt with, and my contention will be proved beyond a shadow of a doubt. It is also his opinion that a *watid mafrūk* must be excluded, because there can be no *šwā mobile* at the end of the word. But no line in Arabic poetry ends in a short syllable, for, as is well known, every vowel concluding the line is regarded as long, though it may be naturally short. It is thus evident that all the forms can be easily transferred to Hebrew, only some optional combinations, such as the substitution of two short syllables for a long one, could not always be employed. Altogether, whenever the Arab poet had the option of using a long or short syllable, the Hebrew poet, for reasons which will become apparent later on, almost invariably preferred to employ a long syllable. This, of course, accounts for the fact that has often been observed, that the Hebrew metre is less fluctuating than the Arabic. If any further proof were needed to show that Brody's treatise is inadequate it would be enough to call attention

⁶ *Metra*, p. 21.

to the fact that two out of the four metres which he⁷ terms *unbestimmte*, and states that he cannot trace them, are well known in Arabic: (c) is Munsariḥ, and (d) is the shorter Kāmil. There are also a few metres in ha-Levi's *Diwān* of which Brody takes no account at all.

It is my object to give here a concise account of the metres employed by mediaeval Hebrew writers. As by far the greater bulk of the metres are taken directly from Arabic, I shall quote examples from both languages. In order to prove my statements, I shall not refer to authorities, but shall show the practical application of the rules. After all, the concrete embodiment of abstract rules gives the reader a better opportunity of judging for himself than a mere reference to a famous authority. I shall also make use of this occasion to explain some obscure passages which have not been hitherto satisfactorily treated, especially those on which light may be thrown by quoting parallels from Arabic poetry.

That the Hebrew metres consisting of vowels and moving *šwās* were directly borrowed from the Arabs, and are the product of a conscious imitation, is a truism which needs only to be formally stated to be appreciated. Yet the question may be raised how far we can rely on the metres of the Arab poets to guide us in analysing the poetical creations of their Hebrew followers. For it may well be the case that, while attempting to introduce a foreign metre into Hebrew, the representatives of the Spanish school of Hebrew poets failed to grasp the fundamental principles upon which Arabic metres are based. Sa'adyā b. Dannān ought to be a warning example. We in our turn should therefore be wrong in applying

⁷ *Op. cit.*, pp. 48, 49.

the rigid rules governing the Arabic metre to its Hebrew offspring. If we wish to understand our poets we must take account of their errors. We must look at things from their point of view, not from ours. We have to analyse the metres as they are, and not as they should have been. To this we may reply that whereas later writers failed to comprehend the rhythmic flow of Arabic poetry, the earlier poets who are responsible for popularizing these metres in Hebrew, have fully understood them. Judah ha-Levi employed almost every kind of the Arabic metres with great skill. And even in his poems—which are not numerous at all, and were probably composed at the later part of his life, when he repented having followed the ‘customs’ of a people whom he detested—which are in metres not conforming with the hard and fast rules of the Arabs, it is easily seen that they are intentional deviations. This is likewise true in the case of Samuel ha-Nagid, Ibn Gabirol, Moses Ibn Ezra, Abraham Ibn Ezra, and al-Harizi.

Reproaches have repeatedly been heaped upon the representatives of that school of poets for having introduced into the Holy Tongue a system of foreign metres which are against its inherent characteristics, and thereby corrupted its purity. The latter part of this complaint cannot be substantiated. It may readily be conceded that a metre depending on the quantity of the syllables does not contribute to render Hebrew poetry rhythmic, since that language possesses no short vowels, as far as quantity is concerned. To substitute the *šwā mobile* for a short vowel is an artificial device which could have made no impression on the ear when the poem was recited. It may be compared with the method of writing acrostics.

One may perhaps be led to admire the skill of the writer, but the poem is not made sublimer in tone. On the other hand, we must repudiate the assertion that the Spanish poets corrupted the purity of Hebrew style. As regards the rudiments of languages we can safely say that all are equal in being against all metres. The tendency of metre is to arrange words differently from their natural order. Hence it is absurd to consider a particular system of metres more suitable for a language than another. Poetry, however, likes to be fettered. Pegasus seems to run more freely when chained. This may sound paradoxical, but is nevertheless true. The very restraint seems to stimulate the poetical mind. This is the reason why poetry is more polished than prose. There are certain frames of mind which can only become active when their area is limited and restricted. The Arabs with their characteristic insight call poetry *manẓūm* ('strung' or 'joined') and prose *manṭūr* ('scattered'). Oscar Wilde candidly admits that a thought often suggested itself to him while in search for a rhyme. We have therefore no cause to regret that the Spanish school of poets adopted a system of metres which apparently deprived them of their freedom. For it awakened their energies, and served as an excellent stimulus. The result of that activity was gems of thought and polished style.

I shall now proceed to give a short account of the system of metres employed by the Arabs. Like those of the Greek and Latin poets, the Arabic metres are based on the quantity of syllables, that is to say, a number of long and short syllables occur regularly according to certain rules. Although the earliest Arabic poetic literature transmitted to us dates after the Christian era, it is quite

certain that neither the Greeks nor the Romans influenced the Arab poets. For the Arabic metre sprang forth in the desert, and the desert-dweller even to-day repels any foreign influence. It is, however, a striking feature that there are many points of resemblance between the systems of prosody of these literatures. Evidently the poetic instinct works independently in the same direction among different races. The Arab poets divide syllables into two classes: (1) those that are long, and (2) those that are short. A long syllable is one which contains a long vowel, or is closed. To use an English example, *go* and *got* would be considered long syllables in Arabic. A short syllable is one which contains a short vowel and is open. A verse is divided into two hemistichs each containing a certain amount of feet. A foot consists of a certain number of syllables, short and long, disposed in a certain order in accordance with the rules appertaining to them. Feet may be roughly divided into two chief classes:

(1) Composed of four syllables;

(2) Composed of three syllables.

Feet of four syllables have many variations:

(a) *Diiambus* is the one occurring most frequently, and its normal form is $- \cup - \cup$.⁸ Here, as in the Greek and Latin literatures, the first syllable may be long, and its form is then $- \cup - -$. The Arabs call this foot *mustaf'ilun*. This foot may sometimes be reduced to $- \cup \cup -$ or $- \cup \cup \cup$.

(b) *Epitritus tertius*, consisting of a spondee and iambus. Its normal form is $- \cup - -$. The first syllable may be

⁸ These lines are throughout to be read from right to left, as they are to be applied to a language written in that direction.

substituted by two short ones, and the foot is then $- \cup - \cup \cup$. On account of this peculiarity the Arabs call it *mutafā'ilun*.

(c) *Epitritus primus*, consisting of an iambus and spondee. Its ordinary form is $- - - \cup$. The third syllable may be substituted by two short ones, when the foot becomes $- \cup \cup - \cup$. This foot is known as *mufā'ilatun*.

(d) *Ionicus a minore*, consisting of a pyrrhic and spondee. Its form is ordinarily $- - \cup \cup$. The first syllable may be long, and on this account the Arabs call it *fā'ilātun*.

(e) *Antispast*, consisting of an iamb and choree, and its form is $\cup - - \cup$. The last syllable is usually long, and hence its name is *mafā'ilun*. It may be changed into $- \cup - \cup$.

Of the feet consisting of three syllables the variations are naturally less.

(a) *Brachius*, whose normal form is $\cup - \cup$. The third syllable may be long, hence it is named *fa'ūlun*.

(b) *Anapaest*, whose normal form is $- \cup \cup$. The first syllable may be long, and hence its name is *fā'ilun*. In some cases this foot may be substituted by a spondee.

The hemistichs contain a certain number of these feet. A metre may be simple, composed of one class of feet, or compound, composed of two kinds of feet.

According to this principle all syllables in Hebrew are long, for, as is well known, in that language no short vowel can be open unless it has the accent. Then, according to the conception of mediaeval grammarians, accented syllables are long as far as metre is concerned. The short syllables, therefore, would have to be furnished by the light vowels which are extremely rare, and would scarcely

supply anything like a sufficient number. The *šwā mobile*, accordingly, had to be raised to its former glory, and given the rank of a short vowel. Arabic-speaking Jews probably did not fail to notice that many moving *šwās* in Hebrew correspond to short vowels in Arabic, and this influenced them to adopt this principle. The light vowel, together with the *šwā* which follows it, was in some cases regarded as a long syllable, as if the *šwā* were quiescent. But there are some passages, I think, in which the poets intended them to be considered as two short syllables. This fact has hitherto been overlooked. But if this obvious suggestion be adopted, the number of cases where a *šwā mobile* was taken for a quiescent would be appreciably reduced. There are a few rare instances in which the light vowel was employed as a long syllable and the *šwā* as a short one. These details will be pointed out later on when occasion arises.

Apart from the latitude which was allowed to the Arab poets in forming their verses, they frequently made use of poetical licence. Now that our dictionaries and grammars are based on those poetical monuments, we are not in position to realize the extent to which the Arabs took liberty with their language. But it is quite certain that many forms owe their existence to the fact that the poet wanted a certain arrangement of syllables. Thus if *yubliḡu* did not fit the metre, he simply changed it into *yuballiḡu*. Although lexicographers are careful to register all possible forms, a reader of poetry often comes across conjugations which are not to be found in the standard lexica. Then the broken plurals could not all have been used in practical life, and there can be no doubt that the multiplicity of forms existing of one noun is due to this circumstance.

When the first syllable of *ru'ātun* (broken plural of *rā'in*) had to be long, the poet simply made the word sound *ru'ātun*. There are also numerous cases where a *hamza* was changed into *waṣla*. The Hebrew poets, however, were less fortunately situated. They wrote in a dead language which had long become stereotyped. They were fettered by a masorah and a very limited vocabulary. Some of them were even too timid to use a word in the plural if its singular alone occurred in the Bible. It is only in extremely rare instances that we meet a post-biblical word or expression. They were afraid of being branded as ignoramuses or corrupters of the Holy Tongue. The poet wants to say יָפִיר, but the metre requires a short syllable at the beginning of the word. It is quite natural for him to use the Pu'al and say יָפִיר on the analogy of שָׁבַר and יָבַר and Isa. 19. 4. But a learned grammarian comes along with his concordance and conclusively proves that יָפִיר does not exist in the Old Testament. Our admiration is aroused when we see that in spite of these discouraging circumstances the Spanish poets produced sublime verses which contain no flaws whatsoever. It makes us think with regret of the wealth which these gifted poets would have bestowed on the Hebrew language had it been alive and capable of being stretched. The poetic licence that the Hebrew poets sometimes allowed themselves was to regard a *šwā mobile* as *quiescent* and vice versa, and to use a word in a form which does not occur in the Bible. They were, of course, severely reproached for these aberrations by later grammarians.

It has justly been observed that the metre in Hebrew is more fixed, that is to say, it offers less option than the Arabic. The reason of this phenomenon is not far to seek.

We have seen that the Arabs often used a short syllable instead of a long one. This is an option which the Hebrew poets could easily dispense with, for in Arabic the short and long syllables occur in equal proportion, whereas *šwās* must occur much more rarely than all the other vowels put together. Then the substitution of two short syllables for a long one is only possible in the case of a light vowel and the *šwā* which follows it. The Hebrew poets, therefore, preferred to use as many long syllables as possible. We shall see later on that two important metres which are extremely frequent in Arabic occur rarely in Hebrew, simply because too many short syllables are required. Then there is also a psychological reason which will account for the fact why the Hebrew poet preferred to adhere to a fixed form. The imitator likes to observe as strictly as possible all restrictions imposed on him. It is his desire to out-Herod Herod. The Arabian poet had sufficient confidence in himself, and realized that nothing will be detracted from his value if he breaks the monotony of having all feet identical in form. But the Hebrew poet hesitated in resorting to variations, lest his skill as a versifier should be questioned. Nevertheless deviations do exist in Hebrew poetry. Editors were unnecessarily driven to resort to anomalous vocalizations and even to emendations. Brody⁹ recognizes this fact, but makes wrong use of it. He is right in quoting Freytag that *mustaf'ilun* (- ˘ - -) may become *mufā'ilun* (- ˘ - ˘), and yet he cannot see his way to vocalize יִרְפוּנִי and בְּחֶרֶה instead of יִרְפוּנִי and בְּחֶרֶה which is in the middle of a sentence.¹⁰ On the other hand, in his edition of Judah ha-Levi's *Dīwān*¹¹

⁹ *Metra*, p. 7.

¹⁰ *Op. cit.*, p. 39. Cp. below, p. 206.

¹¹ See especially II, notes, p. 122.

he observes that *mustaf'ilun* may have a *šwā mobile* prefixed to it, that is to say, it may become — 0 — — 0. This assertion is utterly groundless, for the Arabs never permitted that. No poet is recorded to have allowed himself to make use of this privilege of giving *mustaf'ilun* more than four syllables. The fundamental rules of Arabic prosody permit the shortening of a foot or the substitution of two short syllables for a long one, but never tolerate the addition of a superfluous syllable. Should such a principle be adopted, we could take almost any piece of prose and make it agree with any metre we choose. I shall revert to this point when treating of each metre individually.

II

Writers on prosody in Hebrew and Arabic are at variance as to the arrangement of the several metres. This subject was approached by Oriental writers from peculiar points of view, and every one gave the order which suited his preconceived theory. It is, however, a minor question which need not detain us here. I prefer to adopt the order which is in accordance with the relative frequency the metres occur in Arabic.

Sixteen metres are recognized by the Arabs, four of which may be called favourites which are seldom, if ever, absent from any *Dīwān*. These four are: *Ṭawīl*, *Basīt*, *Kāmil*, and *Wāfir*.

1. *Ṭawīl*, *long*.

(a) This is a compound metre consisting of four feet in each hemistich, two of which feet are *mafā'ilun*, and the other two are *fa'ūlun*, occurring alternately. Its normal form is

— 0 — 0 | 0 — 0 | — — 0 | 0 — 0 || — 0 — 0 | 0 — 0 | — — 0 | 0 — 0

The length of the line gives the poet an opportunity of developing his thought, for Arabs are careful to have a complete idea in every line. This is probably the reason why every poet sang in this metre. The blind poet Baššār has the following beautiful line:¹²

إِذَا أَنْتَ لَمْ تَشْرَبْ مِرَارًا عَلَى الْقَدَى
ظَلَمْتَ وَآيَ النَّاسِ تَصْفُو مَشَارِبُهُ

‘If turbid drinks you never tasted, thirst you did endure,
For on our earth no man exists whose drinks are always
pure.’

In this form the minimum number of short syllables in each hemistich is five, and it is therefore no wonder that it is extremely rare in Hebrew. Judah ha-Levi has the following piyyūt:¹³

גִּלְגִּי וְבִיל רְאִי הַדֶּרֶךְ וְנִבְעָתִי
וְגִלְגִּי תִהְיוּ שְׂחָקִי בְּצִאֲתָהּ וְנִצְמָתִי
וְאִיךָ תַעֲמִדְנָהּ הַנִּפְשֹׁת בְּסוֹדֶךָ
מְקוֹם אֵשׁ מְלֶהֱטֶת קְלָעִים וְנִצְתִי

It should be noticed here that whenever the choice lay between a long and a short syllable, the former was invariably employed by the Hebrew poet.

(b) Sometimes the Arabian poets made the fourth foot identical in form with the second, especially in the rhyme-bearing hemistich. This is necessary when a *ridf* ‘that which rides behind’, is introduced.¹⁴ Its form is then

¹² *Kilābu-l-Aḡānī*, III, p. 28, l. 7.

¹³ Harkavy's ed., II, p. 98.

¹⁴ This is a technical name given to one of the letters of prolongation א, י, when it immediately precedes the *raʾī*, or unchangeable part of the rhyme. See Wright, *Arabic Grammar*, II, p. 353.

---u|u-u|---u|u-u||---u|u-u|---u|u-u

Mustim b. al-Walid has the following line:¹⁵

וְסַחֲרֵהָ الْعَيْنَيْنِ مَا تُحَسِّنُ السَّحَرَا
تَوَاصَلْنِي سِرًّا وَتَقْطَعْنِي جَهْرًا

‘She of bewitching eyes, unskilled in the enchanter’s art,
She clings to me in private, openly keeps me apart.’

This mode, reducing the number of short syllables to four, is more frequently met with in Hebrew, and almost every poet of note attempted it. Ha-Nagid has several short poems in this metre:¹⁶

לְבָנָה אֲשֶׁר נִבְרָאת בְּאֶרֶץ לְמִמְשָׁלָה
בְּיוֹמָם וּלְלַיְלָה עַל לְבָבוֹת לְאֵט מִשְׁלִי
בְּמָה תִשְׁפָּטִי בּוֹכֵב בְּאֶח לִי חֲשִׁבְתִּיהוּ
וּנְחַפֶּה בְּלִי פִשֶׁע בְּרָגַע לְאֶבֶר לִי

One at once notices in לְבָנָה, Arabic *badr* ‘full moon’, which is always used figuratively of a beautiful woman.

Ibn Gabirol has the following poem which is abounding in Arabic expressions and colouring:¹⁷

יְדִידִי שְׁעוּ מִנִּי אֶמְרֵר בְּבִכּוֹתִי
וְאוֹלֵי שָׂבִיב לְבִי אֶכְבֶּה בְּרִמְעָתִי

Ibn Gabirol’s addressing himself to his friends reminds us of *ḥalīlayyā*, with which many Arabic poets begin their love poems. The description of a sleepless night (line 3 ff.) is also borrowed from the Arabs.¹⁸ I suspect that מְהוּמָתִי in line 5 b has a different meaning from what it has in the Bible. *My tumult* or *confusion* hardly suits the context.

¹⁵ *Diwān*, ed. De Goeje, p. 37.

¹⁷ Dukes, p. 46; Brody, p. 26.

¹⁶ Harkavy’s ed., p. 8.

¹⁸ Cp. below, p. 200.

It is not unlikely that the poet intended this word to stand for Arabic *humūm* 'cares'. The cooing dove (line 6) is also a favourite theme with the Arabs. Read בְּנִפְשִׁי in line 8 a, for there is no sense in saying, *my life and my security is in my soul which I love*. A glaring Arabism is לִלְלָה in line 10 a. It represents *walillāhi*, which is often met with in such expressions as *lillāhi anta* 'How admirable are you !' When an Arab quotes a pithy saying he usually introduces it by *walillāhi man ḵāla* or *walillāhi darru man ḵāla* 'How admirable is he who says !' The line in question ought to be rendered, 'How admirable are my friends, my beloved !', &c., reading הַשְּׁמִי. Brody, who misses this point, vocalizes לִלְלָה in vain, which is against the tenor of the poem. The picture of the beloved departing on camels (line 11 ff.) is to be found in many *ḵaṣīdas*. Compare especially the Mu'allaka of 'Amr b. Kulthūm :¹⁹

تَذَكَّرْتُ الْيَمِينَا وَأَشْتَقْتُ لَهَا
رَأَيْتُ حُمُولَهَا أَصْلًا حُدِينَا

'I recalled youth's love and yearned for days gone by,
When at eventide I saw their camels hie.'

For line 15, בְּכֹל מַחְנֶה וְגו', compare the words of Tauba b. Ḥumayyir :²⁰

سَقَاكِ مِنَ الْغُرِّ الْغَوَاذِي مَطِيرُهَا

'May the rain from the pure morning clouds give you to drink!'

The famous poem, יִפְּה נֹף מְשֻׁשׁ תִּבְּל, by Judah ha-Levi, is also in this metre, although all editors without exception

¹⁹ Lyall, *Ten Ancient Arabic Poems*, p. 111, l. 15.

²⁰ Nöldeke, *Delectus*, p. 5, l. 8.

failed to recognize it, and hence many corruptions arose. Harkavy,²¹ in addition to the printed errors, suggests a few more which would conceal the real metre beyond recognition. Brody thinks that its metre is

--- 0 --- 0 --- | --- 0 --- 0 ---

that is to say, a variation of Basit. The objection to this scansion is obvious, for the poem begins with a *šwā mobile*. In his notes²² Brody meets this objection with the assertion that the prefixed *šwās* are not to be counted. As I remarked above,²³ no *mustaf'ilun* can have more than four syllables. In Brody's edition there are in five lines thirteen superfluous *šwās* occurring at the beginning of words, and can by no stretch of imagination be taken as quiescent ones. Now in order to make this poem agree with this mode of Tawil seven more *šwās* are required. A proper analysis of each line individually will at once show that these *šwās* were there originally, but were lost through the failure of editors and copyists to recognize the metre. It is a significant fact that all the acrostic-bearing words are quite in order, and have moving *šwās*. It is only some of the other words which had no 'fence' to protect them that suffered corruption. Now out of the seven moving *šwās* that have to be restored, two can be obtained by altering the vocalization. Read קָרִיָּה (line 1a), deriving it from הַקְרִיָּה (Jer. 48. 28) and לָךְ (line 1b), referring it to יָפָה נוֹף, which is masculine. In line 4b we should read וְשָׁרָה, thus preparing for the climax וְנָם. Editors have sometimes found it necessary to offer such anomalous punctuations as כְּנָפִי in line 3a; but I think that originally it was כְּנֶפֶה הַנְּשָׂרִים (cp. כְּנֶפֶה רְנָנִים, Job 39. 13). Copyists probably

²¹ Notes, I, p. 170.

²² II, p. 122.

²³ p. 165.

considered it their duty to emend it in accordance with the familiar expression occurring in the Bible. Such biblical reminiscences are to be found very frequently in editions in which the metre is disregarded. My suggestion is rendered more certain by the fact that variant readings of this word are recorded by editors. It has been my observation that the majority of corruptions arose under such circumstances. Whenever the poet for exigences of metre was compelled to deviate from familiar phrases, the copyists were ready to correct the error. כִּי in line 2 a should be read אֲשֶׁר or בַּעַת. Here again the copyist knew of Ps. 77. 12. Similarly מִלְכָּה אֵין בָּהּ (line 4 a) is a reminiscence of Jer. 8. 19, and the poet probably wrote בָּהּ אֵין מִלְכָּה.²⁴ For מַפְאֵת read מַפְאֲתִי. Here again editors record variations. The whole poem should run as follows :

יִפֶּה נוֹף מִשׁוּשׁ תִּבְלֵה קִרְיָה לְמִלְכָּה רַב
 לָהּ נִבְסַפָּה נִפְשִׁי מְאֹד מַפְאֵת מַעְרֵב
 הַמִּזֵּן רַחֲמֵי נִבְמָר בַּעַת אֲזִכְרָה קֶדֶם
 בְּבוֹדֶה אֲשֶׁר גִּלָּה וְנִגְדָּה אֲשֶׁר חָרַב
 וּמִי יִחַנְנִי עַל כִּנֹּף הַנְּשָׁרִים עַד
 אֲבוֹהָ בְּדַמְעָתִי עֲבָרָה וַיִּתְעַרֵּב
 דְּרִשְׁתִּיהָ וְאִם אֵין בָּהּ מִלְכָּה וְאִם בְּמִקוֹם
 צָרִי גִלְעָדָה נָחֵשׁ וְשָׂרָף וְגַם עֲקָרָה
 הִלֵּא אֶת אֲבִנֶיהָ אֲחוּזִין וְאֲשָׁקֶם
 וְטַעַם רִנְבוֹדָה לְפִי מִדְּבַשׁ יַעֲרֵב

It should be observed that in line 3 a עַד will be better understood when we know that it has the meaning of Arabic *hattā* with the subjunctive = 'in order that'.²⁵

²⁴ Cp. אֲשֶׁרִיךְ, Eccles. 11. 17.

²⁵ See Wright, *Arabic Grammar*, II, p. 29.

Ha-Levi has the following piyyūt: ²⁵

יָפִית יְחִידָה בְּעוֹדָה בִּי וְנַעֲמָה לִי
הַיּוֹם בְּעִמְדָהּ בְּגִי אֶדוֹן יִשְׁמֹו נֹאֲלִי

It should be observed that the *swā* quiescent of נַעֲמָה is regarded here as *mobile*.

(b) Arabian poets allow the rhyme-bearing *fā'ilun* to be reduced to a spondee. This is necessitated by the introduction of a *ridf*.²⁶ Hassān b. Thābit has a lyrical poem in this metre: ³⁰

وَالْمَالُ يَغْشَى الْآسَافَ لَا طَبَّاحَ بِهِمْ
كَالسَّيْلِ يَغْشَى أُصُولَ الدِّينِ الْهَالِي

'And wealth doth overwhelm those men who are not staid,
As sweeps away a flood the stems that are decayed.'

In this form the metre is more frequently met with in Hebrew. Abraham Ibn Ezra has the following lines: ³¹

בָּרַךְ אֱשֶׁר דָּת וְחֶק חֲרַת עָלֵי לְבוֹ
יִשְׁמַח בְּדַעְתּוֹ בְּבֹרַךְ עֵת יִשְׁלֹף חֲרָבוֹ
לְחֶקֶר יִסּוּד סוּד צַפְנָתָיו יַעֲלֶה אֶל מַעוֹן
מִדָּע וְיִשְׁקֹף בְּעֵינָיו יִשְׁכַּל בְּאַשְׁתְּנָבוֹ

Ha-Levi's panegyric to Solomon b. Farōṣāl is in this metre: ³²

בַּעֲלַת בְּשָׂפִים אֲשֶׁר אָרְכוּ נְדוּדֶיהָ
יָמִים וְקִצְרוּ יָמֵי חַיֵּי יְדוּדֶיהָ
יָפָה בְּשִׁמְשׁ אֶכָּל לֹא בָנְתָה לְעָרֵב
לְחִיָּה עֲרוּגָה וְלֹא כָלוּ נְדוּדֶיהָ

²⁵ Harkavy, II, p. 141.

²⁶ See above, p. 166.

³⁰ *Diwān*, ed. Hirschfeld, p. 69, no. 159, l. 7.

³¹ Egers's ed., p. 10.

³² Brody, I, p. 14.

Like most of the poems of this class, the present one is full of Arabic colouring and imagery. It is true that **בְּעֶלְתָּ כְּשָׁפִים** occurs in Nahum 3. 4, but the sense required here is not quite identical with that of the Bible. Here it is an enchantress of a different kind, and reminds us of the Arabic *sahir(un)*. Then **נִדָּרִים** does not mean *wandering* in the biblical sense, but corresponds to Arabic *hajr(un)* or *hijrān(un)* 'departure, separation'. This is the signification of this word in the majority of cases in mediaeval Hebrew poetry, where it is not the **נִדָּר** who suffers, but the one left behind. The first verse of our poem is to be found, in one form or another, in almost every Arabic *Dīwān*. Muslim b. al-Walīd says: ³³

هَجَرَانُهَا قَرِيبٌ وَوَصْلُهَا بَعِيدٌ

'Her absence is near, and her company is far,' that is to say, her separation lasts longer than her friendship.

Line 2 a is almost a literal translation of another verse by Muslim b. al-Walīd. A lady vaunting her beauty says: ³⁴

أَنَا الشَّمْسُ الْمُضِيَّةُ حِينَ تَبْدُو
وَلَكِنْ لَسْتُ أَعْرَفُ بِالْعَجِيبِ

'I'm the illuminating sun when it doth shine,
But I am never known to set or decline.'

The same lady says: ³⁵

وَلَسْتُ أَرِيدُ طِيبًا غَيْرَ طِيبِي

'I desire no perfume but my own,'
and this explains line 2 b.

³³ *Dīwān*, p. 155, l. 11.

³⁴ *Op. cit.*, p. 153, l. 8.

³⁵ *l. c.*, l. 11 b.

Brody³⁶ has rightly pointed out that lines 7, 8 are extremely difficult. The expression נפשי פדות is quite familiar in Hebrew as well as in Arabic from which it is borrowed, and calls for no special explanation. But I think if we try to get the Arabic expressions which these lines represent, we may obtain a satisfactory solution. One often meets some such sentence as *nafsī fidā leilīn yufakku bihi asīruki* 'I would offer my soul as a ransom for the night in which your prisoner is released'. Now when Arabian poets talk of releasing this kind of prisoner their expressions may be interpreted in two ways:

(1) The poet wishes to become indifferent to the object of his affection, that is to say, his desire is to be freed from her bewitching influence. We often hear the disappointed lover arguing logically with his captivator: 'Either requite me with your love, or give me back my heart of which you deprived me.' And cruel Venus mockingly replies: 'neither of your requests will be granted.'

(2) On other occasions the poet in asking for freedom wishes to have his desire gratified. That our poet here intends to convey the latter meaning is quite evident from the following lines in which love's revelry is artistically described. The greatest difficulty lies in line 7 b:

בן הארצה בִּהְבֵּל מַחְמָדִים

To my mind בִּהְבֵּל has been misunderstood. It does not denote *region* or *district*, but *rope*, and together with מַחְמָדִים represents Arabic *ḥablu-l-hawā* 'the rope of love', which one meets so often. Ibn Gabirol translates this phrase by מַחְמָדִים הִבְבֵּלִי,³⁷ which renders my suggestion more certain,

³⁶ Notes, p. 26.

³⁷ Dukes' ed., p. 42, no. 30, l. 9 a.

since the Hebrew poets used all these synonyms. הַאֲדָמָה is very likely a metaphor for *body*, which in prose would be הָמָר. The hemistich should accordingly be rendered: *Only the body is in the rope of her love*. The poet thus explains what kind of freedom he is asking for. Let the soul alone be free from anxiety, but the body should still be enslaved by her love. He then goes on depicting the riotous revelry for which he is longing:

נִשְׁתָּה וּמָצָה יִשְׁפֹּת אֶדָם וְרוּחַ בְּצִיף
פִּיהַ מְנִדִי וּפִי הַבּוֹס מְנִדִיָּה

This verse has also been misunderstood. Brody³⁸ remarks החֲרוּוֹיִם הָאֵלֶּה קִשִּׁי הַהֲבֵנָה הֵם. . . וְאוֹלֵי יֵשׁ לְפָרִישׁ וְרוּחַ. Let the reader try to construe this verse, and see how far the difficulty is solved. It seems to me that מְנִדִים is here used metaphorically for *lips*. It should be noted that in the Bible this word has no fixed meaning. There is no doubt that it is identical with Arabic *majid(un)* 'honour, glory', and very likely has the signification of *choice, excellence*. The transition to the metaphor is, therefore, not very far. וּפִי (line 8 b) is not construct state, depending on הַבּוֹס, but is with pronominal suffix 1st person singular. The line should be translated:

'To quaff and drain her rosy lips, and sate
My mouth and lips with her mouth's honeycomb—
Her lips will serve as cup!'

In the note quoted above, Brody proceeds: והיה מנהגם: להלל את אהובת נפשם גם בזה שהיא יודעת להריק כוס לחתוך פיה וכמ"ט רי"ה (ס' צ"ג צד 136) פי כוס בפי עפר צפה. Here again

³⁸ I, notes, p. 26.

Brody misses the point. His note to the latter poem runs : ³⁹

פִּי כוֹס בְּפִי עֶפְרַיִם
יְיָ וּמְנִדּוֹ פֶּה אֶל פֶּה

שא נא עיניך וראה את עפרי ובפיהו פי הכוס וה"ז דומה כאלו נשקו חד את אחד ייני(הרוק אשר בפי עפרי) ומנדו(של עפרי והוא היין אשר בכוס). I wonder whether the reader could follow this description. In this case also פִּי = *my mouth*, and the verse should be rendered :

‘ Watch my mouth is a cup in an antelope’s mouth,
My wine and his lip,—mouth to mouth ! ’

What a beautiful metaphor, and how befogged and mutilated it emerges from a faulty construing ! Those who are acquainted with the figurative expressions of the Arabs will, I hope, have no objection to my explanation. An Arab says ‘ the swimmer ’ (*sābiḥ*) and means the camel which is the ship of the desert. He says ‘ the fettered ’ (*muḥayyad*) and means the foot. Ha-Levi himself speaks of apples and means the breasts.⁴⁰ Sometimes Hebrew poets say pomegranates instead of apples.⁴¹ Of course this metaphor is also borrowed from the Arabs. Muslim b. al-Walīd says : ⁴²

زَرَعَ الشَّبَابُ لَهُنَّ رُמَانَ الْعِصَا
فِي أَنْحُرٍ قَدْ زُيِّنَتْ بِتَرَائِبِ

‘ Love’s pomegranates did youth plant
Upon their chests, adorned with bones.’

³⁹ *Op. cit.*, p. 223.

⁴⁰ See *op. cit.*, II, p. 18, and still more explicit II, p. 6.

⁴¹ Moses ibn Ezra, *Taršīš*, p. 36, no. 106, and also ha-Levi, I, p. 100.

⁴² *Dīwān*, p. 149, l. 30.

Ya'qob b. El'azar has the metaphor of the cup and lip in more explicit terms:⁴³

מִי יִתְּנָה כּוֹסֵי שְׁפֹת רַעֲיָה
בִּי מִתְּנָה מִכָּל בְּלִי הַשְׁקוּת

To return to our poem. In line 17 a, both Brody and Harkavy punctuate כָּבָהּ which is impossible, since this word is intransitive in Hebrew, and it certainly cannot be taken as predicate to יְקוּדִיָּהּ which is plural. It is therefore necessary to vocalize כָּבָהּ. This expression can only be properly understood with the help of Arabic. In the Bible the extinction of one's light is supposed to be a curse, as is plainly seen from Prov. 20. 20; Job 18. 4, and a few more passages. But the expression in this poem represents Arabic *ahmada nīrānaha* or *atfa'a nīrānaha* 'he quenched her flames'. The woe-begone lover often complains *fī fu'ādī nār(un) leisa laha humūd(un)* 'within my heart there is a flame which does not abate', or 'is not extinguished'. When his hope is realized he may say *uḥmida-n-nar(u)* or *utfi'a-n-nār(u)*. The expression of Canticles 8. 7 is not to the point here, for in that verse there is no reference to the realization of love's hope.

In this metre is also ha-Levi's famous poem:⁴⁴

צִיּוֹן הִלָּא תִשָּׂאֵלִי לְשָׁלוֹם אֲסִירָךְ
דּוֹרְשֵׁי שְׁלוֹמֶךָ וְהֵם יִתֵּר עֲדָרָךְ
מִיָּם וּמִנֶּרֶךְ וּמִצָּפוֹן וְתִמֶּנּוּ שְׁלוֹם
רְחוֹק וְקָרֹב שְׂאִי מִכָּל עֲבָרָךְ

Al-Harizi evidently had this poem in mind when he

⁴³ Brody and Albrecht, *Ša'ar ha-Šir*, p. 163.

⁴⁴ Brody's ed., II, p. 155.

wrote the following lines which have the same metre and approximately the same rhyme : ⁴⁵

קָבֵר נָבִיא דִּמְצֵת אֲשֶׁרֵינוּ וְאֲשֶׁרֵיךְ
 שְׁלוֹם בְּחִילָה וְשְׁלוֹם מִעֲבָרֵיךְ
 אֵתָה בְּנֵי רַק יִתְקַאֵל הוּא לְבַד בְּאִשְׁרֵךְ
 אִי אֵת בְּשֶׁחַק יָדֵינוּ בְּנֵי מֵאוֹרֵיךְ

(c) But even in this form several short syllables are necessary for each line. Hence a further step was taken. On analogy of the rhyme-bearing anapaest, all anapaests were reduced to spondees, and the following variation of Basit was the result :

-- | - 0 -- | -- | - 0 -- -- - 0 -- | -- | - 0 --

As only four short syllables are to be employed in a line of eight feet, the Arabian poets could not very well compose their poems in this metre, and writers do not classify it among the proper metres. In Hebrew, however, it could be employed with advantage. Moses Ibn Ezra in his *Taršīš* has the following lines : ⁴⁶

כָּל אִם עָלֵי חֶבֶל תִּשָּׁבֵב חַיִּית לָהּ צִיָּן
 לְבִיט לְמִטָּה עוֹ בָּרַח וְהוֹצִיא צִיָּן

The following poem by Ibn Gabirol is in this metre : ⁴⁷

נָפֶן וְשִׁתְּלָה עַל מִים וּבִזְרִיהָ
 הֵאֵת צְבִיחָה אִי עֵגְלָה יִפְיָהָ
 בְּרִאוֹת אֲנֹשׁ חֵי מֵת תִּשְׁחַק שְׁחֹק וּבְכִי
 וּבְטַל עָלֵי שׁוֹשָׁן דְּמָעָה עָלֵי לְחִיָּה

⁴⁵ *Taḥkemōnī*. p. 140.

⁴⁶ p. 24.

⁴⁷ Dukes' ed., p. 35. See also Geiger, *Salomo Gabirol*, pp. 67, 134.

In Dukes' edition the metre is in some places not clear. But one can in most cases restore the text without difficulty. In the above lines על had to be changed into עלי and the hemistichs differently divided. In תִּאָכַף (line 2 a) I recognize an Arabism. It does not signify *gather*, but *combine* like Arabic *jama'a*. The whole line should be rendered: *When seeing a living-dead man she combines mirth and weeping, and like dew upon a rose is a tear upon her cheek*. For the rest of the poem a few more emendations are necessary to make it agree with the metre and yield good sense. In line 4 a delete ל of לְהַטוֹת. The preceding word תַּחַת can scarcely be right. Perhaps some such word as תִּרְצֶה should be read. Delete ו of וַיִּמּוֹת (line 5 b). In line 6 delete ו of וְנוֹתַר and וּמִבֵּין. In line 7 ב ו of וַאֲרִיד should be deleted. Either punctuate שׁוֹכֶנֶת or read שׁוֹכֶנָה in line 9 a. Vocalize וְצִפְיָה (line 10 b), not as in the text. In line 13 a read חֲכָמִי instead of חֲכָמִי, and in the second hemistich point שְׂבִיָּה, not שְׂבִיָּה. The end of line 14 is obviously corrupt, but the scansion is quite correct. וְאַתְּחִיָּה should perhaps be divided into וְאַתְּ חִיָּה. But the whole line is doubtful.⁴⁵ *If men were divided they would form two companies with two souls, but you are the moving spirit of both* is too much circumlocution for *you are the moving spirit of mankind*. In line 15 פְּחִיָּה is against grammar. פְּחִי (abstract noun, as in Prov. 1. 22) probably was the original reading which was afterwards substituted by the more usual word. Sense and metre demand the reading בִּי אַתְּ בְּכַפְּסִי instead of the vague כִּסּוֹת (line 15 b). The ל of לִקַּח (line 17 a) should be deleted, for the imperative is obviously intended. In line 18 a, ו of וְאוֹלָם should be deleted.

⁴⁵ See, however, Geiger, p. 134.

from my eye (lit. *is a covering for my eye*). For the metaphorical use of צֹפֶה cp. הָרוֹאוֹת (Eccles. 12. 3). Brody reads בְּעֵרִי פָנַי צֹפֶה, and tacitly admits that it is difficult. All kinds of fanciful explanations were suggested for צֹפֶה. The way I vocalize it we have in בְּעֵר an instance of — ֹ — ֹ. In line 8 read אֶטְבַּע instead of אֶטְבָּעָה. In line 10 read דֹּר instead of יָרִיר. Line 12 has again caused difficulty. Harkavy has וְעָלִי, which is against either way of scanning. It has therefore been suggested to read וְעָלִי, and numerous suggestions were offered, all of which are, to say the least, far-fetched. But the simplest thing is to read עָלִי, and this clause should be rendered: *About him are the choice words of my mouth*. Another obscure line is 13. If יֵצֵר be correct, the only possible vocalization is יֵצֵר *will be hostile*, or *vex* (cp. Isa. 11. 13). Harkavy's יֵצֵר is certainly unintelligible, and Brody's יֵצֵר is inadequate, for this word denotes *will be in straits*. Whichever way we take יֵצֵר the ל of לְבַל is indispensable. I therefore think that we should delete בַּל, and translate the line: *If Time is hostile I shall take refuge in his company*. According to this conception אִם in the following line will have to be emended to אִם. If, however, the conception of this line as given by commentators is right, the best reading would be

אִם הָיָא יֵעָצֵר מִהְיֹת בְּחֶבְרֹתוֹ

In line 15 וּפָעַר seems to have a meaning slightly different from that in the Bible. For it evidently signifies here *persist*, and it is not unlikely that the mediaeval writers were influenced by Arabic *aṣarra* 'he persisted, persevered'. Instead of דָּמִי, which is a biblical reminiscence, read דָּם.

The two Arabic lines at the end of this poem have been

slightly misunderstood by Harkavy and Brody. The former translates הל by האין and the latter by הלא. Now in Arabic *hal* introduces an open question, so that both renderings are inaccurate. Brody is nearer the right meaning of the second line, which Harkavy renders very vaguely. The proper reading, however, is that of Geiger: הל = *he dwelled*. The lines are to be translated:

‘Ye at the van of knowledge, glory, and high rank,
Turn to the rear when Mūsā dwelleth in your midst.’

The poet has skilfully used the two antitheses *kāid* ‘a leader’ and *half(un)* ‘rear’. *Halla* may be conditional; but we may also render: *for Mūsā dwelleth, &c.*

As these lines stand they agree with neither method of scansion. But in few poems do the Arabic lines agree with the metre. This is certainly due to the fact that many of the copyists knew no Arabic, and paid no attention to the scansion of the lines, and hence many corruptions arose. These lines, however, are straightforward, and the first one is an ordinary Basīṭ, and this makes my scansion more probable. In the second line we should have to alter the arrangement of the words to make it fit the ordinary Basīṭ. But the following reading which involves insignificant changes may be suggested to make the lines agree with the metre of the rest of the poem:

יא קאדה אלעלם אלנלאל ואלשרף
הל בבם מוכי פארנע אלי כלף

The singular פארנע would refer to each one separately.

It should be noted here that Sa'adyā b. Dannān⁵⁰ gives this metre as the third Ṭawīl. In this case we have to assume that *fa'ūlun* became a spondee, which is at first

⁵⁰ *Meleket ha-Šiv*, p. 11.

sight hardly possible. The Arabs allow in Tawil to drop the first short syllable only. This is sometimes the case at the beginning of the first line of the poem. For then the audience may not notice the omission, and the rhythmic beat is not thereby disturbed. In the middle of the line, however, it is inadmissible. Some writers on prosody record rare exceptions where later poets allow themselves to drop the short syllable at the beginning of a hemistich in the middle of a poem. But I think in these cases a new poem was intended. For those who arranged the Dīwāns sometimes made two separate poems run into one, when both had the same rhyme and metre. Rosin⁵¹ follows Sa'adyā, and observes that Freytag (p. 170) supports this rule. But Freytag does nothing of the kind. He explicitly states that only at the beginning of the hemistich is one allowed to omit the short syllable. However, Sa'adyā may not be altogether wrong. There are a few poems apparently in this metre which have caused some difficulty, as some of the supposed *mustaf'ilun* feet are prefixed by *šwā mobile*. Brody asserts that this is permissible, but I have sufficiently explained above that this view is untenable. At first sight one is inclined to resort to emendations, and it is my opinion that if emendations are justified in any field, mediaeval Hebrew poetry should come in for a large share. In some cases this may be effected with more success. But there are many poems in which these unnecessary *šwās* are present, and no emendations are justified. Moreover, it is remarkable that this peculiarity of having a superfluous *šwā* seldom occurs in Kāmil or Wāfir, but is usually present in this kind of metre. I am therefore inclined to believe that the Hebrew poets proceeded, without justification, of

⁵¹ *Reime und Gedichte*, p. 8.

course, to reduce the *fa'ūlun* foot to a spondee, or better still, to make the first syllable of *fa'ūlun* optional. The scansion would then be

---(u)|---(u)|---(u)|---(u)||---(u)|---(u)|---(u)|---(u)

When no short syllable occurred at all this secondary Ṭawīl coincided with the secondary Basīṭ, and this accounts for Sa'adyā's opinion. But since there is more justification for reducing *fa'ūlun* to a spondee, I prefer to assign all poems which have no superfluous syllables to the Basīṭ metre. Those, however, in which superfluous syllables occur must be regarded as belonging to a secondary Ṭawīl. Ibn Gabirol's following poem is in this metre: ⁵²

מִי זֹאת בָּמוֹת שְׁתֵּר עוֹלָה וְנִשְׁקָפָה
הָאֵיר בָּאוֹר חֲמָה בָּרָה מְאֹד יָפָה
בְּבִידָה בָּבֶת מְלֶכֶת עֲרִינָה מְעֻנָּה
רֵיחַ בְּרִית מְקַטֵּר מֹר וּבִשְׁרָפָה.

For obvious reasons I cannot assign the poems יָפָה נוֹף (above p. 170) and נֶפֶן שְׁתוּלָה (above p. 178) to this metre. The former, as was shown above, can by proper analysis be made to be a regular Ṭawīl, and in the latter many of the emendations are necessitated by the context independently of scansion.

3. Kāmil, *perfect*.

This metre is composed of *Epitritus tertius* repeated three times in each hemistich. For the first syllable of every foot two short ones may be substituted, which are regarded as equal to a long one, and it is from this circumstance that its name is derived. For it has more compulsory long syllables than any other metre with the exception of

⁵² Dukes' ed., p. 40; *Ša'ar ha-Šir*, p. 38.

Wāfir, which is its companion. It is of very frequent occurrence in Arabic, and has several well-established variations. Hebrew poets could handle it with great facility, as the number of compulsory short syllables does not exceed three in a hemistich containing nine long syllables, and it is therefore no wonder that one meets it very frequently. Jewish writers on prosody, however, have confused it with Rajaz, and Kāmil is entirely excluded. Sa'adyā b. Dannān also takes all the Hebrew poems in Kāmil as Rajaz, and 'invents' a new combination which he imagines to be Kāmil.⁵³ The reason of this misunderstanding is not far to seek. In Arabic the Kāmil is at once recognized by the peculiarity referred to above. But in Hebrew it is impossible to have two moving *šwās* in succession, and hence *mustaf'ilun* and *mutafā'ilun* coincide. A light vowel with its *šwā mobile*, which very likely represents *oo* was taken as *—*. But a careful study of Arabic prosody will prove beyond doubt that the view to exclude Kāmil and make Rajaz occur often is untenable. The latter metre in Arabic is mostly of two feet, and allows of so many variations in each foot that many writers on prosody deny it the rank of a developed metre. It is no doubt the connecting-link between the rhymed prose known as *saḥf* and the metres which were developed later on. Its close affinity with rhymed prose is quite evident from the fact that one and the same poem may have hemistichs of two and three feet. Altogether it is to be employed for extempore poetry. Whenever I read a poem in Rajaz I have the same impression as when reading the short Qur'ānic outbursts. Ample illustration of the above remarks will be found later on when Rajaz will be treated of. On the

⁵³ See above, p. 154.

שָׁמַשׁ וְיָרַח לְעוֹלָם שָׁרְתִּי
חֲקוֹת בְּיוֹם וְלֵילָה לֹא נִצְמַתִּי
הֵם נִהְגּוּ אוֹחוֹת לְיָדָע יַעֲקֹב
לִהְיוֹת לְעוֹלָם גּוֹי וְלֹא יִכְרְתִי

Ha-Nagid has the following lines: ⁵⁸

מִלְכָּה שְׁנוּאָה מִפְּלֶה הִתְאַחֲרִי
שָׂרָה שְׁנוּאָה עַל מִשְׁנֵאִיךְ שָׂרִי
עֲפָרַת שְׁנִיר אֶרְכָּה תְּנוּמָתְךָ עָלִי
עָרֵשׁ חֲלִי הִתְנַעֲרִי הִתְעוֹרְרִי

Al-Harizi in his *Mahberet Itiel* says: ⁵⁹

שְׁלוֹם בְּבֵית זֶה וְעַל כָּל יוֹשְׁבָיו
תִּמְדִּיר וְאֵף אֶל יַהֲדָךְ כָּל אוֹיְבָיו
יָד הָאֶפְלָה שְׁלַחָה לָכֶם אֲנֹשׁ
נִנָּשׁ וְנִעְנָה בִּי בְּגִי יוֹם אוֹרְבָיו

Almost every poet of note attempted this metre. At the same time, to make it more extensively employed, it was advisable to elide a short syllable. The Arabian poets often allow the rhyme-bearing foot to consist of three long syllables. This must be the case when a *ridf* ⁶⁰ is required.

(b) Its form is then

-- ˘ ˘ | - ˘ - ˘ ˘ | - ˘ - ˘ ˘ || - ˘ - ˘ ˘ | - ˘ - ˘ ˘ | - ˘ - ˘ ˘

Muslim b. al-Walīd has his long panegyric addressed to Zeid b. Muslim in this metre: ⁶¹

⁵⁸ Harkavy's ed., p. 8.

⁵⁹ Chenery's ed., p. 12.

⁶⁰ See above, p. 166.

⁶¹ *Dīwān*, p. 165, l. 83.

وَأَرَى الْعَوَادَتَ لَا تَزَالُ تَنْوِينِي
غَرَضًا وَتَقْصِدُ فِي الْعَوَادِ نِيَالًا

'I see calamities from me do not depart,
I am their goal—they aim their arrows at my heart.'

Ha-Levi has the following poem in this metre: ⁶²

הַעוֹד לְיָלֻדוֹת נִכְשֶׁךְ נִכְכֶּכֶת
אַחַר אֲשֶׁר הִתְלַבְּנָה מִחֻלְכֶּת
הַעוֹד יְמֵלֵא הַיָּמִן בִּיד שְׁחוֹק
אַחַר הָיוֹת דְּמַעְתָּךְ שׁוֹטֶכֶת

Like the majority of all other love poems this one contains many Arabisms. To begin with, יָלֻדוֹת cannot have here the signification it has in the Bible, for the question would not be to the point. When a man is young there is no need for him to long for youth; it is just when he grows aged that he is inspired with yearnings for the days that are no more. Brody in his notes approximately gets the right sense when he remarks that youth with all its pleasures is meant here. But the meaning of the line becomes infinitely clearer when we know that יָלֻדוֹת here is a translation of Arabic *šiba(n)*, which denotes 'youth' as well as 'ardour of youthful love'. The question then becomes forceful: *Do you long for youthful love after your lock grew grey?* מִחֻלְכֶּת also has a slightly different meaning from what it has in the Bible. It means here 'forelock', and represents Arabic *duābat(un)*. One often comes across such an expression as *šamila-l-mašibu-d-darwāiba* 'hoariness covered the forelocks'.

In Dukes' edition of Ibn Gabirol's *Diwān* (p. 20) there

⁶² Brody's ed., I, p. 129.

is a contemplative poem full of sublime reflections which is in this metre, but owing to its deplorably corrupt state there are many obscure passages which require radical changes in order to yield a suitable meaning and fit the metre. S. D. Luzzatto and Senior Sachs⁶³ have made attempts to explain some of the difficulties, but have admittedly left a great deal to be desired. Geiger has a free translation, and some notes in his treatise on Ibn Gabirol.⁶⁴ My conception of the poem differs fundamentally from that of these scholars:

אֵלֹהִי דְמַעוֹת בְּחָרִי נִדְחִי
הִשְׁקוּ לִחְיִי עַד אֲשֶׁר צָמַח
יִתְמָהָמְהוּ בִּי יִנְעוּ מְרוֹץ מָעַט
וּבִשּׁוּר אֲנַחָה תִרְדָּפֶם וּבְרָחוּ

Even in these four hemistichs some slight changes are necessary. Dukes has אולי, and Luzzatto has emended it to אֵלִי *drops*. Senior Sachs in *Ozar Hokmah*⁶⁵ reads אֵלִי, but withdrew his suggestion in *Ha-Zophe Le-Ha-Maggid*,⁶⁶ because he found in a book of a mediaeval grammarian that אֵלִי here is to be understood in the sense of לֵוִי. This, of course, makes no difference in regard to the sense. As Ibn Gabirol certainly wanted to say *if*, אֵלִי is better than אֵלִי. For no one would attach any weight to the reading of the manuscript used by Dukes. Instead of יִתְמָהָמְהוּ and יִנְעוּ (line 2 a) Dukes has ותמהמהו and ננעו.

The poet declares that he does not weep now. His tears tarry, because they are weary of flowing, and seeing

⁶³ Professor Israel Davidson kindly supplied me with a list of places where some of Ibn Gabirol's poems were published. The poem in question was commented upon in *Ha-Maggid*, III, pp. 146, 150; *Ha-Zophe le-Ha-Maggid*, VI, pp. 253, 276; *Ozar Hokmah*, II, p. 35.

⁶⁴ pp. 45, 122.

⁶⁵ II. p. 35.

⁶⁶ VI, p. 276.

a sigh which follows them they retreat (*lit.* flee). Had he wept his cheeks would have been saturated with tears, and would have produced sprouts. This exaggerating metaphor occurs in Muslim b. al-Walīd's *Dīwān*:⁶⁷

أَعْشَبَ خَدَّيْ مِنْ الْبَكَاءِ وَقَدْ
أُورِقَ غُصْنُ الْهَوَى عَلَى كَيْدِي

‘Upon my cheek from weeping grass did grow
Luxuriant upon my liver was love’s bough.’

The poet’s silence, however, must not be taken for a sign that his grief is abated, or that he is unable to weep. He goes on to describe a night which he spent in weeping:

לֵיל נָגְרוּ עֵינַי בְּאֵלֵי הַדָּמִי
בְּשֹׁכֵר עֲמִידָה בּוֹכְבִּי לְקָחוּ

This, I think, is the right reading instead of *בשכיר עמידת*. The meaning accordingly is: *The night in which my eyes shed tears was such as if the stars were at a standstill (lit. took silence) like a hireling of standing (or waiting; cp. Arabic waḳafa).* The description of a sleepless night is a great favourite with Arabian *ḳaṣīda* writers who wish to attract the attention of the audience by recounting their grief. The poet usually complains that the night appeared to be everlasting. When treating of Wāfir I shall quote one or two passages illustrating this figure of speech. The pronominal suffix of *בוכביו* refers to *ליל*, and not, as Dukes thinks, to *עֵינַי*, which is feminine plural.

The poet’s thoughts now turn to describe the stars:

לִי תַחֲזֹמוּ יְרֹמוּ מֵאַחֲרַי
מִסְפָּד תִּבְלֶת אַחֲרָיו יָחַדוּ

⁶⁷ No. 64, p. 218, l. 3.

The printed edition has יחזמו, and Dukes rightly remarks that it should be changed into ירומו. On account of the metre I prefixed י to אחרי.

תקע לִבִּי עַתְּ בְּנוֹסִם בֶּן לִבָּל
יָבִלִי וְכַמְעַט קֵט בְּגָדֵי לָחוּ

This is a very difficult verse, and many emendations were suggested, none of which can claim any degree of probability. The MS. vocalizes תִּקַּע which, I think, is right. The last word of this verse in the text is לָקָחוּ which is against the metre, and was emended to קָחוּ. Now this word hardly gives any sense. Luzzatto's reading תִּקַּע . . . בָּהּ is ingenious, but does not suit the context. I therefore suggest the reading לָחוּ. It is true that the verb is not biblical, but the same objection applies to קָחוּ.⁶⁸ It seems to me that בֶּן, which in the Bible means *a pedestal*, is used here for the peg of the tent. The poet thus describes the departure of his friends. The verse should be translated: *My heart grew sick (lit. was dislocated) when the pedestal was raised, (out of grief) lest they be destroyed, and in a while my clothes grew wet.* This translation is strengthened by the following line: *Had not the morning star made my grief to cease, my neighbours would have swum in tears.* In this line בִּי is to be deleted as dittography. The following four lines form a digression of a contemplative character which is quite usual in any Arabic *ḡaṣida*. The sense is straightforward, and all emendations are quite unnecessary, except that in line 9 a עָרִי is to be read instead of עַד on account of the metre. Line 10:

אֶפְשָׁה מִדַּעִי בְּאַנְחוֹתֵי אֲשֶׁר
לֹא בָגְשׁוּ הָרִים אֲוִי נִסְחֹו

⁶⁸ For ל can only be dropped when it has a *šwā*.

should be compared with the line of Hišām b. 'Uḡba al-Adawi:⁶⁹

نَعَوْ بِأَسَقِ الْأَفْعَالِ لَا يَخْلُفُونَهُ
نَكَادُ الْجِبَالُ الصَّمِّ مِنْهُ تَصَدَّعُ

'The death of him whose deeds were noble was announced ;
he left

No peer ; the tidings wellnigh caused the mountains to
be cleft.'

Line 11 contains an Arabism, and hence was misunderstood by the above-mentioned scholars. רצחו represents Arabic *ḵatala* which means besides 'he killed', (1) 'he inspired with vehement love'; (2) 'he tempered wine with water'.

The purport of the line then is *they killed their lover or beloved* (by inspiring him with love) *with a goblet into which they poured wine* (lit. the blood of the brother of 'Aner, i.e. Eškol, a cluster of grapes) *which was not killed*; that is to say, was not mixed with water. He goes on: *Then they breathed into him* (or better read *me*) *the spirit of God, and fanned the flame of my heart with the scent of perfume*. This is, of course, a description of his vehement love. See above, p. 177. But in the midst of his intoxicating ecstasy the poet's heart forebodes evil, and he feels that all is vanity. He asks:

מהרמזאני קירות לִבִּי בְּאֵמֶר:
שׂוֹא הַשִּׁקּוּי הַשֶּׁקֶר וְהַפֶּל טָחוּ

Luzzatto unnecessarily emends מְצֵאוּ to מְצֵאוּ. The poet then explains the cause of his grief, and says: *For lovers*

⁶⁹ *Hamāsa*, p. 369.

when seeing men (i.e. openly) laugh, but in their tent they weep and cry bitterly. The unintelligible ובאקלם is obviously a misprint for ובאהלם. This foot is - 0 - 0 0, and there is no need to say that the poet violated the rules of grammar.

Another contemplative poem by Ibn Gabirol in this metre is the following:⁷⁰

לִי הִיְתָה נַפְשִׁי מְעַט שׁוֹאֵלָה
 לֹא הִיְתָה לִילָה יוֹם עֹמֶלֶת
 אֵיךְ אֶעֱלֶה [עֵתָה] וּבְמָה אֶעֱלֶה
 הָאֵם אֶיִּחַל נְמִשְׁכָּה תּוֹחֵלֶת

On reading this poem one cannot help being struck by the fact that the underlying idea is Imru'-l-Keis's famous lines:⁷¹

وَلَوْ أَنَّ مَا أَسْعَى لِأَدْنَى مَعِيشَةٍ
 كَفَانِي وَلَمْ أَطْلُبْ قَلِيلَ مِنَ أَعْمَالِ
 وَلَكِنَّمَا أَسْعَى لِمَجْدٍ مُوْتَلٍ
 وَقَدْ يُدْرِكُ الْمَجْدَ الْمُوْتَلُ أَمْثَالِي

'Little wealth—which I seek not—would have sufficed me,
 Had my search been in life's lower plane;
 But the object of my quest is highest glory,
 And my like high glory will attain.'

The idea of the second line is to be found in the continuation of Ibn Gabirol's poem, line 17:

עַל הַיָּקָר אֶחְמֹל וְהָאֵל יַעֲנֶה
 נַפְשׁ אֲשֶׁר עַל הַיָּקָר חֹמֶלֶת

⁷⁰ Dukes' ed., p. 37.

⁷¹ Al-Fakhrī, ed. Derenbourg, p. 52.

In line 6 b read *בְּפִתָּה בְּחִבְלֶת*.

In line 8 a read *פּוֹתַחַת* instead of *פּוֹתָחָה*.

Instead of *בְּעוֹר* (line 9 b) which gives no sense, and does not scan, read some such word as *נָעַר*.⁷²

In line 11 a *לְמוֹפְתֵי* gives no sense and no metre. Read

אֶמְרוּ לָמוּ פְתֵי וְמֵי יְהִשּׁוּ

Line 12 a is obscure, but the metre will be restored, and perhaps the difficulty removed, if we read *בְּאַדְמָתָהּ* instead of *בְּאֶדְמָהּ*, and *לְרֹאשׁ* instead of *לְרֹאשׁוֹ*. I wonder whether *אֶדְמָה* does not mean here *body*. Cp. above, p. 175. The meaning would then be: *If she does not make me master of her body, the earth will not destroy my love.* *אֶדְמָה* would accordingly be used in two different senses, as is usually the case when a word is repeated twice in the same line. The following line would then be quite simple. The poet complains that he is not appreciated, and the loftiness which his soul attained is unknown to the outer world. His soul is despised (I take *נַפְשִׁי*, line 7 a, as object) by one whose good opinion he is especially anxious to acquire. What is meant by *she* is an open question. Instead of *יָקָר* (line 15 b) we should certainly read *יִקְרָהּ*, which is more idiomatic and restores the metre; *וִירִיחַ* (line 16 a) should be *וִירְחַ*, and in the second hemistich *אֶמְרִי*, which gives no sense and does not scan, should be changed into *אֶמְרִי*.

Al-Harizi has the following satire: ⁷³

בִּילוֹת בְּחִבְלֵי שׁוֹטְטָה לֹא שָׁקָטָה

עַד כִּי בָלְבוּ מִצָּאָה מְרֻגָּע

לֹא נִנְעָה יָדוֹ בַּיָּם סוּף יִתְרַב

אוֹ בְּנֵהֲרוֹת חֲדָלוּ לִנְבֹּעַ

⁷² See, however, Geiger, p. 131.

⁷³ *Taḥkemōnī*, p. 171.

The Arabian poets in their satires (*hijā'*) often accuse their enemies of niggardliness, which is considered as the greatest vice. *Buḥl(un)* or *lu'm(un)* 'meanness' is usually the contrary of *kirāma(tun)* 'nobility', 'liberality'. It is with them a favourite idea to say that if baseness or greed assumed human form, it would look like their enemy. Ḥassān b. Thābit in satirizing Jidām says: ⁷⁴

أَلَمْ تَرَ أَنَّ الْعَدَرَ وَاللَّوْمَ وَالْخَنَاءَ
بَنَى مَسْكَنًا بَيْنَ الْمَعَيْنِ إِلَى عَرْدٍ

'Seest thou not that meanness, treachery, and guilt
From Mu'ein to 'Ard—their habitation built.'

On rare occasions the Hebrew poets allowed the short syllable to be elided in the last foot of both hemistichs.

Ha-Nagid's famous 'stammering girl' has this peculiarity: ⁷⁵

אֵיזָה צְבִי עֲלֵגַ וְאִנָּה פָּנָה
עֲפָר מְחַפֵּר מֶר דְּרוֹר וּלְבוּנָה
כְּפִתָּה לְבָנָה אֶת־מְאוֹר כּוֹכָבִים
דּוֹר יַעֲלֶה כְּפָה מְאוֹר הַלְבָּנָה

This poem has been translated and explained by Kaempf, Geiger, Egers, and Lagarde. ⁷⁶ Only the last-named got hold of the right sense. The other scholars attempted to read into these humoristic lines some ideas and allusions which are alien to them. I should, however, like to add a few remarks. The last line has not been adequately explained. Lagarde, with his characteristic contempt for anything Jewish, dismisses this line with the

⁷⁴ *Diwān*, ed. Hirschfeld, p. 82, no. 190, l. 1.

⁷⁵ *Ša'ar ha-Šir*, p. 33.

⁷⁶ See *Mittheilungen*, III, pp. 28 ff., where all translations are quoted.

remark :⁷⁷ ‘*Schwerlich übersetze ich סוגה der Deutung dieses “Dichters” gemäss.*’ But it seems to me that סוגה in line 5 a represents the Arabic root *sāga* ‘was good, pleasant, convenient’. Thus when the girl wanted to say *sūrā* (‘be gone’), she said *sūgā*, which made the poet think of the Arabic word, and hence he hastened to her who was ‘fenced in like a lily’. For if סוגה should have the same meaning in both hemistichs, there could be no reason why the writer should have hastened to her. The joke must have suggested itself to ha-Nagid when he heard a foreigner talk Arabic. Ġain and Rā are often confused by Europeans. The French *r* sounds like the Arabic Ġain, and Arabs tell many an anecdote similar to ha-Nagid’s.

(c) Another kind of this metre consists in having the third foot of both hemistichs reduced to a spondee or anapaest. Ḥassān b. Thābit has a few *ḵaṣīdas* in this metre :⁷⁸

وَحَلَفْتُ لَا أَنْسَى حَدِيثَكَ مَا
ذَكَرَ الْغَوِيُّ لَذَاذَةَ الْخَمْرِ

‘I swore your discourse never to forget
As he who thirsts thinks of the taste of wine.’

In this form the Hebrew poets had still greater facility in forming their lines, and it is frequently met with.

Ha-Levi addressed the following lines to a friend :⁷⁹

שְׁלֵמָה בְּהוֹד נִתְּנָה מְעֻלָּפֶת
עָנִי כְּרָקִיעַ מְחוֹפֶפֶת
דָּקָה וְאֵם רוּחַ תְּנִיפָה
רוּחַ בְּשָׁמִים הִיא מְנוֹפֶפֶת

⁷⁷ *Op. cit.* p. 33.

⁷⁸ *Dīwān*, p. 11, no. 8, l. 25.

⁷⁹ Brody, I, 181.

Al-Ḥarizi in his *ʿAnāk* has the following epigram :⁸⁰

עוֹבֵד בְּעַל יַעֲרוּ הִנֵּה שְׂכָלָךְ
 גּוֹאֵל וְיִרְאֵת יוֹצֵרָךְ פְּדִיּוֹם
 אֶזְ תִּשְׁכַּבָּה בְּטַח וְלֹא תִדְאָג
 מִתַּהֲפֻכּוֹת לַיִל וְלֹא פִיד יוֹם

It should be observed that תהפוכות in the last line has a meaning which is not quite identical with that of the Bible. It does not denote *perversities*, but *vicissitudes*, and stands for Arabic *ṣurūf(un)* 'vicissitudes, turnings', which occurs often followed by *dahr* 'time'.

Ha-Nagid has a long poem in this metre :⁸¹

רַעִי הִתְתַּאֲוֵנָה וְתִדְוֶה עַל
 זֶה הַזְּמַן בִּי הַשֶּׁקֶד רַעַל
 תִּדְאָג לִשְׁנֵה עֲוִים אֲשֶׁר עָלָה
 בְּדִין וְרֵב יָרֵד וְלֹא יַעַל

This mode of Kāmil has been given by Jewish writers as Sarī'. There is no real objection to this explanation, and it is hard to say which metre the poet had in mind, since the contracted Sarī' would have the same appearance.

(d) What is known as the shorter Kāmil, is a metre consisting of four feet instead of six in each line. The rhyme-bearing hemistich has an extra long syllable added to it. The last foot is then said to be *muraffal* 'having a train'. Its form is :

— | — ∪ — ∪∪ | — ∪ — ∪∪ || — ∪ — ∪∪ | — ∪ — ∪∪

The following lines are attributed to Šureih b. ʿImrān :⁸²

⁸⁰ Brody's ed., no. 222.

⁸¹ Harkavy's ed, p. 20.

⁸² Nöldeke, *Delectus*, p. 4.

آخِرَ الْكَرَامِ إِذَا وَجَدَ -
 تَ إِلَى إِخَائِهِمْ سَمِيلاً
 فَاشْرَبْ بِكَأْسِهِمْ وَإِنْ
 تَشْرَبَ بِدِ السِّمِّ الثُّمِيلَ

' Let noble people be your friends ;
 When you sought not their love in vain,
 Drink from their cup, and do not fear,
 Though deadly poison it contain.'

Ha-Levi has the following poem : ⁸³

שְׁלוֹם לְךָ הָרַ הָעֶבְרִים
 שְׁלוֹם לְךָ מְבַל עֶבְרִים
 בָּךְ נִאֶסֶף מִבְּחַר אֲנָשׁ
 וַיְהִי בָךְ מִבְּחַר קְבָרִים

Brody ⁸⁴ classes this metre among the *unbestimmte* !

For a fifth probable kind of this metre, see below,
p. 220.

4. Wāfir, *ample*.

This metre may be called a companion to Kāmil. Its feet are built on the same principle, that is to say, they must have three long syllables and a short one. The order of the syllables, however, is different. It is the *Epitritus primus* (— — — ∪), but for the third syllable two short ones may be substituted. A hemistich is composed of such three feet, and is always catalectic.

Its form is

— — ∪ | — ∪∪ — ∪ | — ∪∪ — ∪ || — — ∪ | — ∪∪ — ∪ | — ∪∪ — ∪

⁸³ Brody's ed., II, p. 159.

⁸⁴ *Metra*, p. 49 d.

The Arabian poets employed it very frequently, and their Hebrew followers have a special predilection for it. Obviously the fact that the short syllable is to be at the beginning of the foot makes it an easy task for the Hebrew poet. For it is usually possible to add ם or one of the letters of בבל"ם whenever a *šwā mobile* is required. The greater bulk of ha-Nagid's poems are in this metre, and it is quite a favourite with most poets. Brody and Rosin, however, exclude Wāfir entirely, and call this metre Hazaj. They follow Sa'adyā b. Dannān in this respect. Kaempfer is the only one who considers it possible to call this metre Wāfir, but even he seems to be undecided. A comparison of the Hazaj and Wāfir in Arabic will make it certain that the Hebrew metre with which we are now dealing is the latter. To begin with, the Hazaj never occurs with six feet. The Arab grammarians with their harmonizing tendency have suggested that in theory six feet may be allowed, but in practice only four should be employed. But no mention is made of this imaginary form being catalectic, a form which it always assumes in Hebrew. Moreover, the Hazaj in any form is so rare in Arabic that many Dīwāns do not contain it at all, and this fact in itself ought to be sufficient to reject the hypothesis that the Hebrew poets employed it exceedingly frequently. On the other hand Wāfir is composed of six feet, and is always catalectic, as in Hebrew. It is one of the most dignified metres in Arabic, and Hebrew poets were right in introducing it into their language. Here again, as in the case of Kāmil, in many instances a light vowel with its *šwā mobile* will be regarded as two short syllables.

'Amr b. Kulthūm's *Mu'allaka* is in this metre :⁸⁵

قَفَى قَبْلَ التَّقَرُّقِ يَا طَعِينَا
نُخَيِّرُكَ الْيَقِينَ وَنُخَيِّرُنَا

'Thou who art departing, stand awhile and wait !
We'll converse in truth before we separate.'

The famous poem of Joseph b. Ḥasḍai is in this metre :⁸⁶

הַלְלֵכִי חֵן וְכֹדֶת אֶזְרָא וְעֶזְרָא
לְהַעֲטֹף רִדִּיר אֶפֶל בְּשִׁלְמָה
וְלִרְעוֹת בּוֹכֵבִי בְּשֶׁף וְלִתְעוֹת
בְּעֵי מִדְבָּר מַעֲזֵן בַּחֹד וְאִימָה

Goldziher in his brilliant article in *JQR.*, XIV, 734, has sufficiently explained this figure of speech of herding the stars. He quotes, among others, a poem by Ḥassān b. Thābit's sister, in which she describes her inability to sleep owing to some grief. But Ḥassān b. Thābit himself has a poem which, I think, will most appropriately illustrate this metaphor :⁸⁷

تَطَاوَلَ بِالْخَمَانِ لَيْلِي فَلَمْ تَكْدُ
تَهُمَّ هَوَايَ نَجْمِدَ أَنْ تَصَوَّبَا
أَبَيْتُ أُرَاعِيهَا كَأَنِّي مُوَكَّلُ
بِهَا لَا أُرِيدُ النَّوْمَ حَتَّى تَغَيَّبَا
إِذَا غَارَ مِنْهَا كَوْكَبٌ بَعْدَ كَوْكَبٍ
تُرَاقِبُ عَيْنِي آخِرَ اللَّيْلِ كَوْكَبَا

⁸⁵ Lyall, p. 110, l. 9.

⁸⁶ *Ša'ar ha-Šīr*, p. 27.

⁸⁷ *Dīwān*, p. 27.

‘While at Hammān my night seemed long without an end,
 As though the foremost stars to set did not intend;
 Until they disappeared I tended heaven’s hordes—
 Till then no sleep for me!—as though they were my wards;
 And when star after star was vanishing from sight
 My eye kept vigil on the last star of the night.’

It should be added that *rāʿā* in Arabic has the meaning of *tending the flock* (as in Hebrew) as well as *watching* in general. The expression *rāʿā-n-nujūma* has been taken literally by Lane. Other scholars take it as a figure of speech in which the stars are represented as sheep.⁸⁸ Whatever the explanation is, the meaning is quite clear. The Arabs were so familiar with this metaphor that a contemporary of Hārūn al-Rašīd (Muslim b. al-Walīd) says: ⁸⁹

لَوْ كَانَ مَا بِي مِثْلَ مَا يَكُ لَمْ أَتِ
 نَدَمَانَ أَحْزَانٍ صَدِيقِ كَوَاكِبِ

‘If my feelings were like yours I should not spend the night
 A companion of sadness, comrade to the stars.’

Ha-Nagid has the following poem: ⁹⁰

בְּשִׁמְחָה מֵאֲשֶׁר תִּתְּאוּ בְּרוּעָה
 וּבְנֶפֶשׁ מֵאֲשֶׁר תִּשְׁאַל מְנוּעָה

Line 7 of this poem requires explanation. It is

וְאִם רֹאשִׁי בְּעִיצִית רֹאשׁ בְּרוּעָה
 וּבֵית עֵין בְּבוּרָה לֵיל בְּרוּעָה

Brody in his notes to ha-Levi’s *Dīwān* (I, p. 164) quotes numerous passages from other poets who made use of this

⁸⁸ See Nöldeke, *Delectus*, p. 94, note to lines 2, 3.

⁸⁹ *Dīwān*, p. 148, l. 6.

⁹⁰ Brody’s ed., p. 108.

expression. But the explanation remains incomplete till we know the purport of this metaphor in Arabic, whence it was directly borrowed. As is well known, it is the custom in the Orient to insert stibium into the eyes. When a person spends the night without sleep he is said to have inserted night's stibium, that is to say, the blackness of the night, into his eyes. Both the Lisān al-‘Arab⁹¹ and Taj al-‘Arūs⁹² attribute the following statement to Abū ‘Amr:

يقال لرجل يسهر ليلة ساريا او عاملا فلان يجعل الليل ائمدا
اي يسهر فجعل سواد الليل لعينية كالائمد

It is said of a man who spends the night without sleep, travelling or working, he made the night his stibium, that is to say, he watches, and puts the blackness of night into his eyes like stibium.

Ibn Gabirol also has many poems in this metre:⁹³

בְּשִׁרְשׁ עֵץ יְהִי אֶרֶץ אֲמִירִי
וְכַתְּבוּנַת אֲנֹשׁ יִשְׂרָאֵל אֲמִירִי
וְכַמְּנוֹת לִבִּב אִישׁ בֶּן יְגֹנִי
בְּשׁוּר טָרָם יְבוֹאֵהוּ מִגִּירִי

In Dukes' edition the metre is in some places corrupt, and Egers⁹⁴ has restored the text. In line 12 b I recognize in וְדָרִי an Arabism which is very frequent in mediaeval Hebrew poetry. Whether Hebrew דָּר is to be connected with Arabic *durra(tun)* is a matter open to dispute, and philologists are not unanimous on this point. But it is quite certain that in the Bible דָּר denotes a kind of stone, whereas here it obviously means a *pearl* = Arabic *durra(tun)*. Ibn

⁹¹ IV, p. 75.

⁹³ Dukes' ed., p. 22.

⁹² II, p. 312.

⁹⁴ Zunz, *Jubelschrift*, p. 197.

Gabirol's line reminds us of Al-Ḥariri's grammatical treatise *durratu-l-jawwāṣ* 'the Pearl of the Diver'.

Line 37 has been misunderstood by Egers, who was therefore driven to emend it violently :

וְאֶסִּיר מֵעַל עֵינַי לְבָבִי
בְּהַתָּלוֹת אֶפֶר לֵיל אֶפְרִי

Dukes has rightly pointed out that the poet has 1 Kings 20. 41 in mind. We should accordingly translate : *I shall remove the coverings from my heart's* (i.e. perhaps, *mind's*) *eyes when night's covering is suspended*. See the preceding line and Goldziher's explanation of it in *JQR.*, XIV, 720. I have rendered אֶפֶר by *covering* in accordance with the opinion of the best authorities. It is, however, likely that Ibn Gabirol took it to be identical with אֶפֶר *ashes*. Should this view be right we should have here the metaphor of לֵיל בּוּיָהּ which was explained above. A similar expression occurs in the *Dīwān* of Muslim b. al-Walīd :⁹⁵

قَبَاتٌ يُنَاجِي النَّجْمَ حَتَّى كَانَمَا
يُخَالِسُ عَيْنَيْهِ الْكَرَى لَيْلُ أَرَمَدٍ

'He was communing with the stars until
The ashy night deprived his eyes of sleep.'

Egers suggests the following reading :

וְאֶסִּיר מֵעַל עֵינַי לְבָבִי
בְּהַתָּלוֹת מֵאֶפֶר לֵיל אֶפְרִי

After my explanation of the text there is no need to comment on this emendation.

⁹⁵ *Dīwān*, p. 59, l. 3.

Ha-Levi has the following poem :⁹⁶

הַתְּרַדְף נַעֲרִית אַחַר חַמְשִׁים
וְיִמִּיד לְהַתְעוֹפֵף חֲמוּשִׁים

Here נַעֲרִית probably represents Arabic *ṣiba(n)* (see above, p. 188). About קלעים (line 14 a) it should be remarked that although קלעי הכפינה occurs in Mishnic Hebrew in the sense of 'sails', it is doubtful whether ha-Levi would have used it in that signification without כפינה, had he not been influenced by Arabic *kil'u(n)*.

Moses Ibn Ezra in his *Taršūš* has the following lines :⁹⁷

תְּלוּנָתִי עָלַי מְרִיב אֲשֶׁר לֹא
יְהִי נִבְלָם בְּתוֹכָחַתּוֹ וְנִבְכָּה
הַתְּנוּפֵחַ אֲנֹנִשׁ יוֹזֵב בְּכֶדוֹ
לְדוֹר בָּלָה מְאֹד אֵלָיו וְנִבְכָּה

The 'quarreller' here is 'ādīl(un) 'reviler', who plays such an important part in Arabic love poems. For יוֹזֵב בְּכֶדוֹ compare the line of Ṣimma b. 'Abdullah :⁹⁸

وَأَذْكُرُ أَيَّامَ الْإِجْمَاعِ ثُمَّ أَنْشَيْتَنِي
عَلَى كَيْدِي مِنْ خَشْيَةِ أَنْ تَصَدَّعَا

'When I recall the days which at Ḥimā I spent
I turn unto my liver, fearing it be rent.'

Al-Harizi in his *Tahkemōnī* has the following epigram :⁹⁹

יִמִּינְךָ מִנְהַר בִּישׁוֹן רִחְבָּה
וְלֶךְ בְּרֵא אֱלֹהִים הַנִּדְבָּה
לֶךְ נִפְשׁ אֲשֶׁר תִּפְיִן יְאוּרִים
וְהִיא מִלִּחְבֵּי הָאֵשׁ חֲצִיבָה

⁹⁶ Harkavy's ed., I, p. 28.

⁹⁸ *Hamāsa*, p. 540; *Delectus*, p. 16.

⁹⁷ p. 61.

⁹⁹ 186.

וְלֹא נִנְעָה יָמִין כָּל קוֹפְצֵי יָד
 וְכָל בִּילֵי בִדְרָה הַנְּדִיבָה
 אֲוִי שָׁבוּ בְּגִי חֲדָרָה נְדִיבִים
 וְלֹא נִשְׁאָר אֲנוּשׁ בִּילֵי בְצוּבָה

Goldziher in his article referred to above¹⁰⁰ fully explained the figure of speech in which a liberal man is compared to the rain and rivers. It should be added that in Arabic almost all words denoting *moisture* signify *liberality*. One need only mention *jāda* 'was kind, liberal', 'rained abundantly'; *nada(n)* 'moisture', 'liberality'; *ḡamr(un)* 'deep', 'copious rain', 'liberal, generous', especially in the expression *ḡamru-l-ḥulḳi*.

וְשָׁבוּ in line 3 a is an Arabism. It corresponds to Arabic *ṣāra* = 'he returned, became'. Biblical Hebrew would have required הָיָה followed by ל, and this would have disturbed the metre.

5. Ḥafif, *light*.

This is a compound metre composed of *fā'ilātun* and *mustaf'ilun* in the following way:

— — — — — | — — — — — | — — — — — | — — — — — | — — — — —

Ḳeis b. Darīḥ says: ¹⁰¹

יָמַתְּ וְאַלְהֵם יָא לִבִּינִי שְׂחִיעִי
 וְגִרְתָּ מִדֹּ נָאִית עֵינִי דְמוּעִי

'I spent the night with care as the companion of my bed,
 And since you from my side departed copious tears I shed.'

Ha-Nagid has the following poem: ¹⁰²

דִּבְרוּ נָא לְבַת מְלָכִים בְּבִידָה
 הָאִמּוֹנָה עָלֵי קִצְיוֹת וְקִדָּה
 הַיִּשְׁנָה בְּצִהְרִים וְלָהּ נֹחַד
 נֹחַד לְבִיתָהּ שְׁאָר בְּלֹא הֵין וּמִדָּה

¹⁰⁰ *JQR*, XIV, 724.

¹⁰¹ Nöldeke, *Delectus*, p. 6.

¹⁰² Harkavy's ed., p. 7.

Ha-Levi's poem which Brody quotes¹⁰³ should be thus vocalized :

לֹא שִׁחֲרִים יִרְדְּפוּנִי בְּרִיחַ
 הַמִּנְשֵׁק פִּיהַּ וְנוֹפֶה יְנוֹפֶה
 וְעִנְנִים לֹא נִשְׂאוּ לָהּ שְׁלֹמִי
 אִזְּ בְּמַתְנֶה קָשִׁי לְבָבָהּ יְרוֹפֶה
 יַעֲלֶה בַּחֲרָה עָלַי עֵשׂ מְנוּחָה
 בְּחִמִּי אֶל אֲשֶׁר עָדִי עֵשׂ יַעֲוֶפֶה

Al-Harizi in his *Mahberet Itiel* has this poem :¹⁰⁴

שׁוֹאֲלִי לַעֲמֹד בְּסוּדֵי דָעָה כִּי
 לָךְ בְּלִבִּי מַעֲלָה בְּמָרוֹם אֲחָהּ
 תִּהְדָּפוּנִי אֶרֶץ לְאֶרֶץ וְאֲשׁוּט
 בְּלַ עֲרָבָה לַחֲסוֹת בְּאֵלֶּן וְתִרְוָה

The metre and rhyme of the original is imitated not unsuccessfully. In line 1 b I emended אחוה of Chenery's edition into אֲחָהּ on account of the rhyme and sense.

Moses Ibn Ezra also has a few lines in this metre :¹⁰⁵

הַנִּבְּרִי נִבְּכָלוּ בְּאוֹרֶךְ מְאוּרִי
 יוֹם וְלַיְלָה בְּצִדְהֵם עֲרִבִים

Here also וְלַיְלָה = Arabic *ṣāra*. See above, p. 205.

Abraham Ibn Ezra has the following line :¹⁰⁶

אֵב הַמֶּזֶן מִלְּבִשׁ יִחִירוּ לְעֶבְדִּי
 בְּהִלָּהָ אֲשֶׁר בְּדַת מַחְמְדִּי

¹⁰³ *Metra*, p. 39.

¹⁰⁵ *Taršiš*, p. 21.

¹⁰⁴ p. 87.

¹⁰⁶ Egers's ed., p. 6.

6. Sarī', *swift*.

(a) This metre, which occurs now and again in Arabic, is composed of two feet of the *mustaf'ilun* kind with its incidental variations, followed by — u — in each hemistich. Its normal form is

— u — | — u — u | — u — u || — u — | — u — u | — u — u

Abū-l-'Atāhiya has the following line:¹⁰⁷

يَقْدِرُ الْإِنْسَانُ فِي نَفْسِهِ
أَمْرًا وَيَبْأَاهُ عَلَيْهِ الْقَضَا

'A man resolves to act, but fate
All his intentions will frustrate.'

It is not frequent in Hebrew, but ha-Levi has the following lines in this metre:¹⁰⁸

יוֹנֵת רְחוּקִים נִדְּרָה יַעֲרָה
בְּשִׁלָּה וְלֹא יִבְלָה לְהַתְנַעֲרָה

Al-Ḥarizi in his *Mahberet Itiel* has this poem:¹⁰⁹

בֵּינוּ בְּנֵי שִׁבְלִי וְשִׁמְעִי לְנִיב
לֵב כָּל בְּנֵי שִׁבְלִי וּבִין יְאֻדִּיב
נִשְׁרָתִי אַחִי נָאוֹן וְאֶמֶן מִשֵּׁן
פֶּחַ אוֹהֲבָיו גַּם אוֹיְבָיו יַעֲצִיב

אחי (line 2 a) stands for Arabic *aḥā*, which is often used in the sense of possessor. This usage occurs quite frequently in this literature, especially in the phrase מוסר אחי.

(b) The Arabs allow sometimes, for reasons which were

¹⁰⁷ *Dīwān*, Beyrout ed., p. 4.

¹⁰⁸ Harkavy's ed., p. 60.

¹⁰⁹ p. 60.

explained above,¹¹⁰ the rhyme-bearing foot to be reduced to a spondee. The form of the metre is then

— — | — — — — | — — — — | — — — — | — — — — |

Abū-l-'Atāhiya says :¹¹¹

مَنْ طَلَبَ الْعِزَّ لِيَبْقَى بِهِ
فَإِنَّ عِزَّ الْمَرْءِ تَقْوَاهُ

'He who seeks glory shall remain in it ;
And lo ! man's glory is his piety.'

Al-Harizi in *Maḥberet Itiel* says :¹¹²

הָאֵל רָפְאֵנִי וְאוֹדָה שְׁמוֹ
כְּמִתְלָה כְּמַעַט תְּמִיתֵנִי
וְיִתְבַּשׁ צִיְרִי וּבְאַתְרֵי
לִיְרִי תְּמוֹתָה עוֹד וּבִיָּאֵנִי

For another possible variation of Sarī' see above, p. 197.

7. Matakārib, *tripping*.

(a) This is a simple metre composed of *fa'ūlun* repeated four times in each hemistich. Its normal form is

— — — — | — — — — | — — — — | — — — — || — — — — | — — — — | — — — — | — — — —

Muslim b. al-Walid has this line :¹¹³

حَبِيلِي لَسْتُ أَرَى الْهَبَّ عَارًا
فَلَا تَعْذِلَانِي خَلَعْتُ الْعِذَارَا

'My friends, I see in love no cause for shame,
I cast off all restraint, withhold your blame !'

¹¹⁰ See above, p. 166.

¹¹¹ *Diwān*, p. 12.

¹¹² p. 60.

¹¹³ *Diwān*, p. 151.

Ha-Levi has this poem composed on a wedding: ¹¹⁴

מְלוֹנֶת הַדָּסִים וְעָרֵשׁ בִּשְׂמִים
 לְחָתָמֵי צְבִיָּה בְּמוֹל תְּאוֹמִים
 לְנֶצֶר נְדִיבִים וְחֶטֶר נְצִיבִים
 לְכָל לֵב אֲהוּבִים בְּכָל פֶּה נְעִימִים

The Hebrew poets in employing this metre were fond of dividing the hemistichs into two equal parts, usually rhyming with each other. Instances may be found in ha-Levi's *Dīwān* (Brody's edition, II, p. 184), and in the following poem by al-Ḥarizi: ¹¹⁵

בְּמַלִּים חֲשׂוּקִים כְּנֶפֶת מְחֻקִּים
 וְאֵל רוֹדְפֵיהֶם קְרוּבִים רְחוּקִים

As in the case of *Tawīl*, the Arabian poets allow the first short syllable of the first line to be omitted.

Al-Ḥutei'a has this poem: ¹¹⁶

أَعْطَى ابْنُ قُرْطٍ غَدَاةَ السَّيِّءِ —
 لَمَّا التَّقَيْنَا عَطَاءَ جَزِيلًا

'Ibn Kurt gave munificent gifts
 On the morning we met at Suleim.'

Moses Ibn Ezra made use of this privilege in this verse: ¹¹⁷

חָלַק חֲקָדִים בְּחָלֶק חֲקָדִיו
 וְשָׁבַט מְרוּדִים בְּלָקֶט קִצְרוֹ
 וְעִין בֵּין בְּעָלָיו תְּרוּפַת בְּעָלָיו
 וְעַד יָם תְּעוֹדָה יִשְׁלַח קִצְרוֹ

¹¹⁴ Brody's ed., II, p. 14.

¹¹⁶ *Dīwān*, ed. Goldziher, p. 181.

¹¹⁵ *Tahkemōnī*, p. 15.

¹¹⁷ *Taršīṣ*, p. 25.

(b) Very often this metre is catalectic, especially in the rhymeless hemistich. The *ridf*¹¹⁸ usually causes the second hemistich to remain acatalectic.

Hassān Ibn Thābit glorifies his clan in this metre :¹¹⁹

وَرثْنَا مَسَاكِنَهُمْ بَعْدَهُمْ
وَكُنَّا مُلُوكًا يَهَا لَمْ نَرِمْ

‘We inherited their dwelling-places
After them, and ceased not to be masters.’

In Hebrew this metre is rare. Ha-Levi has also this variation :¹²⁰

יִמְיוֹ עוֹד אֶל יַד עוֹרֵךְ
שָׁלַח לְעוֹר אֶת שְׂאָר עוֹרֵךְ

8. Ramal, *running*.

(a) This metre consists of the foot *fā'ilātun* repeated three times in each hemistich. It is usually catalectic, and its normal form is

— — — | — — — — | — — — — || — — — — | — — — — | — — — —

Abū-l-'Atāhiya has this line :¹²¹

مَنْ يَعِشْ يَكْبُرْ وَمَنْ يَكْبُرْ يَمُتْ
وَالْمَنَاءُ لَا نُبَالِي مَنْ آتَتْ

‘Whoever lives grows old, and he whose hair is hoary
Will die ; and fate cares not whom it is overtaking.’

Ha-Levi expressed his trust in God in this metre :¹²²

עַל יְדֵי אֵל חֵי יְהִי לְךָ מַחֲסֶה
אִם בְּתַמִּים וְאִמֶּת בּוֹ תַּחֲסֶה

¹¹⁸ See above, p. 166.

¹¹⁹ *Dīwān*, p. 12, l. 20.

¹²⁰ Harkavy, II, p. 5.

¹²¹ *Dīwān*, p. 39.

¹²² Harkavy, II, p. 147.

Abraham Ibn Ezra has this line :¹²³

אֶבְטָחָה עַל פִּוְעָלִי עַד אֶנְוָעָה
אֶשְׁכַּבָּה בְּטַח וְלֹא אֶתְרוּעָה

(b) Sometimes this metre is of two feet in each hemistich, and is then

— — — — — | — — — — — , — — — — — — — — —

Abū-l-'Atāhiya says :¹²⁴

أَيُّهَا الْعَبْدُ إِلَى كَمْ تَشْتَرِي الْغَى بِرُشْدِكَ

'O slave, how long will you barter rectitude for error?'

Ha-Levi has a piyyūt in this metre :¹²⁵

יַעֲנֶה פִּי מִחֻלָּה צִיר בְּלִי דַמְיוֹן וְעִרָה
בְּחֻלַּל נֶגֶד דְּבִירָה יֵאָחֹז רַעַר וּמִרָה

Abraham Ibn Ezra has this prayer :¹²⁶

אֵי בְּבוֹרְתָהּ יָמִין אֵל לְשִׁמְעֵה אָזְנוֹ שְׁמַעְתִּיהָ
נִזְאָשָׁה נִפְשִׁי לְהָרִים רֹאשׁ בְּאֵלוֹ לֹא יִדְעָתִיהָ

9. Munsariḥ, *flowing*.

This is a compound metre closely resembling Basīt. Its normal form is

— — — — — | — — — — — | — — — — — | — — — — — | — — — — — | — — — — —

Muslim b. al-Walīd says :¹²⁷

وَطَارَ نَوْمِي وَالْعَيْنُ تَدْبُهُ
وَجَدًا عَلَيَّ وَعَادَنِي سُهُدِي

'My sleep has fled, my eye kept on inviting it,
Out of anxiety, but sleeplessness did visit me.'

¹²³ Egers's ed., p. 1. ¹²⁴ *Dīwān*, p. 86, l. 10. ¹²⁵ Harkavy, II, p. 5.

¹²⁶ Egers's ed., p. 50.

¹²⁷ *Dīwān*, p. 218, l. 4.

This metre hardly ever occurs in Hebrew. Ha-Levi, however, has a few poems in it:¹²⁸

יִאֲמִין לְבָבוֹ וּמוֹעֲדוֹ יִחַלִּי
מִהַּ תַּחֲשָׁבִי מִן עָבִי וְתַתְּבַחֲלִי

Brody, who classes this metre among the *unbestimmte*, thinks it possible that ha-Levi was its 'inventor'.¹²⁹ Sa'adyā b. Dannān gives Munsariḥ as one of the four metres which do not exist in Hebrew.¹³⁰ At the end follows the contradictory remark: 'I saw some poems in this metre in our literature.' However, Sa'adyā's Munsariḥ does not agree with that employed by the Arabs.

10. Hazaj, *trilling*.

This metre is antispastic, and consists of two feet in each hemistich. Its normal form is

— — — ◡ | ◡ — — — ◡ , ◡ — — — ◡ | ◡ — — — ◡

Al-Find says:¹³¹

وَفِي الشَّرِّ نَجَاةٌ حَيْثُ لَا يُنْجِيكَ إِحْسَانٌ

'There may be safety in evil, when doing good brings no succour.'

In Hebrew this metre is not rarely met with. Ha-Nagid has the following dirge:¹³²

הַבְּפוּת פְּלִיָּיָה וּמַבְרָר תְּרוּמִיָּה ?
יְדִידִי בְּקִשּׁוֹ נָא לִי עָרִי לְבָאֵב וּלְכִוִּיָּה

Brody in his notes to ha-Nagid's *Dirwān* remarks that פְּלִיָּיָה denotes *deviso*. But such a signification is unwarranted. It is likely that פְּלִיָּיָה represents Arabic *kaḏā' (un)*,

¹²⁸ Harkavy, I, p. 57.

¹²⁹ *Metra*, p. 48 c.

¹³⁰ *Meleket ha-Šīr*, p. 17.

¹³¹ *Ḥamāsa*, p. 11.

¹³² Brody's ed., p. 1.

which means *decision, mastery, power*. We should therefore translate: *Is there any power against death?*

Ibn Gabirol has a love poem in a light vein in this metre: ¹³³

הַבְּרָד מִבְּלִי קָצָה בְּבֶל תְּבוּאָה וְכֹל הַצֵּא
קָרָאֲנִי טְלוּחֶדָּה וְרוּא נֶחֱפֵז וּמִתְרַצָּה

This is the ordinary description one meets in most poems of this type in which the poet's hope is realized. Line 7

וְהַצֹּפֶה יְהִי נֶרְדָּם וְרוֹאֵהוּ מַעַט יַעֲצָה

is almost a literal translation of Muslim b. al-Walīd's line: ¹³⁴

هَدَتْ آلُ الْعُيُونِ وَنَامَ كُلُّ مُرَاقِبٍ

'The eyes were closed (*lit.* quiet) and every watchman slept.'

Moses Ibn Ezra in his *Tarššš* has these lines: ¹³⁵

בְּבֵת בָּרֶם יְדִידִי עַל
בְּנוֹת יָמִים יָמִי עַד גִּרְדִּי
אֲשֶׁר טַעַמּוֹ בְּטַעַם צוּף
וְנִכְרוּ מִרְ יַעֲיִנּוּ גִרְדִּי

The expression *בֵּת בָּרֶם* as a designation for wine is frequent in Arabic. Muslim b. al-Walīd says: ¹³⁶

وَقَهْوَةٌ مِنْ بَنَاتِ الْكَرْمِ صَافِيَةٌ

'Pure wine from the daughters of the vineyard.'

Ha-Levi has the following lines addressed to a friend: ¹³⁷

אֶרְוֶן הַקְּמָה אֲשֶׁר עָלָיו
מִבּוֹן מִקְדָּשׁ וְאוֹהֶלָיו

¹³³ Dukes' ed., p. 55.

¹³⁴ *Dīwān*, p. 149, no. 23, l. 26 b.

¹³⁵ p. 34.

¹³⁶ *Dīwān*, p. 178, no. 32, l. 19 a.

¹³⁷ Brody's ed., I, p. 38.

11. Mujtatt, *computed*.

This metre does not occur in the *Dīwāns* of the earlier poets, and some scholars are of opinion that al-Ḥalil invented it. It is a compound metre consisting of *Mustaf'ilun* and *fā'ilātun*. Its form is

— — — — — | — — — — — | — — — — — | — — — — —

The following line is quoted in al-Fakhri: ¹³⁸

قُلْ لِلْخَلِيفَةِ مَهْلًا أَتَاكَ مَا لَا تُحِبُّ

'Go and tell the Caliph: be not rash,
Something which you like not comes to you.'

Hebrew poets employed this metre now and again. Ha-Nagid has this epigram: ¹³⁹

אִם יַעֲשֶׂה אִישׁ דְּבָרִים לֹא יִשְׂרֹם לוֹ יִשְׂרָיִם
יִצְרוּ יִסְתּוֹ לְמַחֵר לַעֲשׂוֹת דְּבָרִים אַחֲרִים

Ibn Gabirol's famous poem, written on his leaving Saragossa, is in this metre: ¹⁴⁰

נִחַר בְּנֶרְאִי גִרְוִנִי
דָּבַק לְחֻבִּי לְשׁוֹנִי

There are in the printed edition a few corruptions which should be rectified. In line 2 a read לְבָבִי אֲנִי (in line 13 b) should be changed perhaps to וְעִנִּי (cp. Ps. 25. 16) or לְקוֹנִי. Instead of כֹּאֲלִי (line 17 a) read בְּלֹאִי. Read אֲוִנָּהֶם (line 28 a) instead of אֲוִנֵּיהֶם. Line 31 is corrupt. It should perhaps be read

אֲשִׁירָה בְּשִׁמִּי עֲלֵיהֶם בְּרַבָּם וְגַם קִנְמוֹנִי

¹³⁸ Derenbourg's ed., p. 64.

¹³⁹ Harkavy, p. 128.

¹⁴⁰ Dukes, p. 1.

ישימו (line 33 a) should be יְשִׁימוּן. In line 35 b transfer י of וחמשי to שני in accordance with Hebrew idiom and metre. Insert אַת before רְצוֹנִי (line 37 b). In line 42 insert לִי before נִשְׁבָּה, and פֶּה after עוֹר. Instead of עַל (line 43) read עָלַי. Change עוֹר (line 44 a) into עֲדָנָה. Delete ב of במצות (line 50 b).

Al-Ḥarizi has in his *Tahkemōnī* the following lines:¹⁴¹

עַר רֹב פִּשְׁעֵי דְמַעֲוִי נִבְרָו וְאִדִּי יִכְסֶם
הָפֵאוּ אֶבֶל אִשׁ לִבִּי יִשְׁלַח דְּבָרוֹ וְיִמָּסֶם

The following poem by ha-Levi is interesting, as it shows the optional use of the long syllable at the beginning of the line:¹⁴²

יָמִין אֲדוֹנִי הֲלֵא אַתָּה הָיִיתָ לְעוֹר בְּנִגְדִי
הֵיךְ תַּטְשִׁינִי בְּהִיּוֹם בְּבוֹר מְצוּקוֹת לִבִּי

12. Madīd, extended.

(a) This metre is built on the same principle as Ṭawīl and Basīṭ, but occurs very rarely. It is compound, and consists of *fā'ilātun*, and *fā'ilun* occurring alternately. Its form when of four feet is

— — — | — — — | — — — | — — — || — — — | — — — | — — — | — — —

A woman bewailing the death of her son says:¹⁴³

לֵיֵתָּ לִלִּי שָׂעָה שְׁבִרָה עִנֶּכָּ מַלְאֵךְ
לֵיֵתָּ נַפְסִי קִדְמַת לִמְנָיָא בְּדִלְכָּ

‘Would that my heart controlled its grief; would in your stead

My soul as victim to relentless fate were led.’

¹⁴¹ p. 51.

¹⁴² Harkavy, I, p. 56.

¹⁴³ *Ḥamāsa*, p. 415.

Hebrew poets had little reason to employ this metre; it is hard to wield, and since it was not popular with the masters, it had no attraction for the followers. Ha-Levi has the following piyyūt,¹⁴⁴ which may be taken for a Madīd. *Fā'ilun*, as is sometimes the case with Basīṭ, was reduced to a spondee, and the metre then became

— — | — — — — | — — | — — — — || — — | — — — — | — — | — — — —

עִם בָּךְ יִבְתִּירוּ יִשְׁעֶךָ יִבְרִי

וּשְׁמֶךָ נִקְדִּישׁוּ נְשִׁיר כְּנִשִּׁי נִגְיִשׁוּ

(b) More frequently this metre is of three feet. It is then

— — — — | — — — — | — — — — || — — — — | — — — — | — — — —

Abū-l-'Atāhiya has the following line:¹⁴⁵

إِنَّمَا أَنْتَ بِوَادِي الْمَنَايَا

إِنْ رَمَاكَ الْمَوْتُ فِيمِ أَصَابَا

'Lo, you are dwelling in fate's vale,
When death strikes you, it will not fail.'

Abraham Ibn Ezra, who seems to have a special fondness for rare metres, has the following piyyūt:¹⁴⁶

אֶשְׁמְחָה בִּי אֶפְתָּחָה בִּי לְהוֹדוֹת

אֶעֱנֶה טוֹב מִעֲנֶה נְשִׁיר יִדְרֹת

Ha-Levi's following poem seems to be in this metre.¹⁴⁷ The concluding line of each strophe, however, is quite independent.

בּוֹא יִדְרִי בּוֹא לְבֵית בַּת נְרִיבִים נִתְעַלְמָה בְּאַהֲבִים

יַעֲלֶה חֵן בָּךְ תִּעֲלֶה לְחֹשֶׁק וּבִכְפִּיךָ חַיִּי בְּשָׁרִים לְנֹשֶׁק

¹⁴⁴ Brody, III, p. 13.

¹⁴⁶ Egers's ed., p. 20.

¹⁴⁵ *Diwān*, p. 28, l. 9.

¹⁴⁷ Brody's ed., II, p. 320.

Modern Jewish writers on prosody make no mention of this metre in either form. Even Rosin,¹⁴⁸ who is supposed to give an exhaustive account of Ibn Ezra's metres, makes no allusion to this one. Sa'adyā b. Dannān, however, after enumerating twelve metres which Hebrew poets employed, gives four more which, he asserts, are only to be found in Arabic poetry.¹⁴⁹ Madīd is one of the four, and is quite accurate. It is the second kind, and is as follows:¹⁵⁰

בִּזְכִּי אֶרְאֶה נִבְרִי כְּנִי שִׁיר
יוֹשְׁבֵי דוֹבֵן בְּבֵית הַפְּחִירָה

After this follows the statement: *I have seen very few poems in this metre in Hebrew.* This flatly contradicts the assertion of the preceding page, and can hardly be right. Perhaps he meant to say *in Arabic*.

13. Mutadārik, *continuous*, or Mutadārak, *supplied*.

This metre is rare in Arabic. Its normal form is

— u — | — u — | — u — | — u — | — u — | — u — | — u — | — u —

In Hebrew it is certainly rarer than in Arabic. Kaempf¹⁵¹ quotes the following line by Ibn Gabirol:

אֶדְרֹשָׁה חֶסֶדְךָ כִּי אֲנִי עֲבָדְךָ
אֶעֱרֹךְ נֶגְדְךָ מִחֶלֶל נֶחֱמֶד

The Arabs allow some of the feet to be reduced to spondees. In this secondary form ha-Levi has a piyyūt,¹⁵²

¹⁴⁸ *Reime und Gedichte des Abraham ibn Ezra*, 1885.

¹⁴⁹ *Meleket ha-Šir*, p. 15.

¹⁵¹ *Die ersten Makamen*, p. 44.

¹⁵⁰ *Op. cit.*, p. 16.

¹⁵² Harkavy, II, p. 128.

in which *fā'ilun* and *fa'lun* occur alternately. It may, therefore, be regarded as a Matadārik.

יְהוּדִינָא קָל אִישׁ בְּטוֹב רְחֻשׁוֹ
אֵל יְהוּדִי וְכָרוּ יֵשֶׁם קְרִישׁוֹ

This piyyūt may also be regarded as a secondary Ḥafif, in which the last foot was shortened.

14. Rajaz, *trembling*.

I place this metre last, not because it is the least frequent, but because of its peculiar character. It hardly possesses all the features of the other metres, which show a high stage of development. There is no doubt that it forms the connecting-link between rhymed prose (*saḡ**) and the other metres. It is chiefly employed, as was remarked above,¹⁵³ in extempore lines. The only stipulation of this metre seems to be that the lines should be approximately equal, and this differentiates it from rhymed prose. Its feet are composed of four syllables, and almost every possible combination is permitted. It is also catalectic. As a rule the hemistichs rhyme with each other. Furthermore, a poet is even allowed to have a hemistich of three feet and one of two feet in the same poem. This is best illustrated by the following lines by one of al-Find's daughters, who was inciting her clan to wage war:¹⁵⁴

وَعَا وَعَا وَعَا وَعَا حَرَّ الْحَرَارِ وَالْتِظَا
وَمُلِئَتْ مِنْهُ الْأَرْبَا يَا حَبَدَا الْمُحَلَقُونَ بِالضُّعَا

'War, war, war, war! the fire was kindled and it raged!
The mounts were filled with it!
How fair in midday splendour are the shaven heads!'

¹⁵³ p. 185.

¹⁵⁴ Nöldeke, *Delectus*, p. 47.

In Hebrew to this metre may be assigned all those poems which have approximately equal lines, not exceeding twelve syllables in each hemistich, and do not fit in any other metre. In Egers's edition of Ibn Ezra's *Diwān* there is a poem which bears the superscription **וְקָאֵל רַאזָא** *he composed a poem in the Rajaz form*. Egers remarks that it is incorrect, and refers to Kaempf. Of course it does not agree with Kaempf's Rajaz. But then Kaempf's Rajaz is really a Kāmil,¹⁵⁵ and Ibn Ezra's poem is perhaps as good a Rajaz as any other. It is as follows:¹⁵⁶

אֹרְזָה לְאֵל חַי חֲסִדוֹ שְׁמִנִי
מִמִּיתִים מִחֲלָד חֲלָקָם בְּחַיִּים

Ha-Nagid has the following epigram which is catalectic:¹⁵⁷

גִּבֹּר אֲשֶׁר הֵיטִיב לִי
הִרְבֵּה וְלִבּוֹ הִשְׁחַת
בַּעַם אֲנִי סוֹלֵחַ
וְלִבְּךָ אֲשֶׁר לוֹ אַחַת

Perhaps to the same metre belongs the following piyyūt by ha-Levi:¹⁵⁸

יִחַד בְּאֹרֶךְ אֵל נָאוֹר נִרְאָה אֹר
הָעַם אֲשֶׁר הִלָּךְ חִשָּׁה
שִׁבְרוּ עָדֵי אֵן יְפִישָׁה
יְגִיד עֲקֵבוֹ חֲטָא נוֹשָׁה
עֲלִיוֹ כְּהֵם צַח עַל אֹר יִשְׁכֵּן אֹר

¹⁵⁵ See above, p. 185.

¹⁵⁶ p. 6.

¹⁵⁷ Harkavy's ed., p. 150.

¹⁵⁸ Harkavy, II, p. 9.

We thus have an example of dimeter and trimeter hemistichs in one and the same poem.

There is another class of poems which could be assigned to the shorter Kāmil without the *muraffal*, but may also belong to the Rajaz. That variation of Kāmil is as follows:

— ∪ — ∪∪ | — ∪ — ∪∪ | — ∪ — ∪∪ | — ∪ — ∪∪

Ḥassān b. Thābit praising his family says: ¹⁵⁹

أَلْمُطْعَمُونَ إِذَا سُنُو — نَ الْمَحِيدُ تَصْبَحُ رَاكِدَةً

‘Who provide food when the years of drought afflict the land’ (literally: *become fixed*).

Owing to the rarity of this metre in Arabic I hesitated in assigning the Hebrew poems to it, and am prepared to yield to the opinion of other scholars to consider them as Rajaz, in spite of their uniformity. Ibn Gabirol has a long poem in this metre: ¹⁶⁰

מַחֲלֶפֶת יְחִידָה תִּשְׁבִּי דּוֹמָה בְּמֶלֶךְ בִּשְׁבִי

Moses Ibn Ezra in *Taršīš* says: ¹⁶¹

עוֹרָה נְדִיבוֹתָהּ לְעֵב עוֹרָה לְבִישׁ שְׂקִים לְבָד
אֶתָּה בְּתוֹךְ שָׂרִים בְּמִו נָבִיא וְהֵם דּוֹמִים לְבָד

III

The fourteen metres enumerated above are directly borrowed from the Arabs, and practically cover the field of Arabic prosody. The remaining two metres mentioned by Arabian grammarians are Muḏāri‘ and Muḵtaḏab. They are extremely rare in Arabic, and as far as now have

¹⁵⁹ *Diwān*, p. 77, no. 176, l. 5.

¹⁶⁰ Dukes' ed., p. 4.

¹⁶¹ p. 16.

not been found prior to the grammarian al-Ḥalīl, who is the first to name them. It is the opinion of some scholars that these two metres together with Mujtatt were invented by that grammarian.¹⁶² Sa'adyā b. Dannān gives a Muḍārī', which, however, does not correspond to the Arabic. The normal form of the latter is

— | — — — — | — — — — || — | — — — — | — — — —

But Sa'adyā's line is as follows: ¹⁶³

בְּלִיעַל מְשַׁל וְנִבְרָה יָד בְּסֶל
הַצִּדִּיק אֲבֵר וְאִין אִישׁ שָׁם עַל לֵב

Brody agrees with Sa'adyā, and considers the following riddle as a Muḍārī': ¹⁶⁴

הַפֶּךְ אֶת הַחֵל וְגַם אֶת הָרֶכֶב
וְתִמְצֵא שָׁם דּוֹדִי עָלִי עֲרִשׁוֹ שׁוֹכֵב

It is, however, quite obvious that this is no Muḍārī' which in Hebrew would have usually been, if we divided the feet differently:

— — — — | — — — — — — || — — — — | — — — — — —

If a poem whose syllables are thus disposed be found, it would be a Muḍārī', but those given above cannot claim to be recognized as belonging to this metre.

The metre given by Sa'adyā as Muḥtaḍab on p. 16 does not resemble the one bearing that name in Arabic.

Apart from these fourteen metres the Hebrew poets employed other combinations of short and long syllables. There is no need to give an exhaustive account of all of the variations. The Dīwāns of ha-Levi and Abraham Ibn

¹⁶² See Wright, *Arabic Grammar*, II, p. 368, Rem.

¹⁶³ *Meleket ha-Šiv*, p. 12.

¹⁶⁴ *Metra*, p. 40.

Ezra abound in instances. Some of these combinations closely resemble the regular metres. It should be noted that also the later Arabian poets have employed similar metres, and it is hard to say whether the Hebrew poets were the inventors of these combinations or followed Arabic models. This is, however, a minor point, since those variations were not sanctioned by the grammarians.

A few of the most typical of these variations may be given here.

(a) The following ¹⁶⁵ is a combination of Madīd and Basīṭ:

— — — | — — — | — — — | — — — || — — — | — — — | — — — | — — —
 שְׁלֹשִׁי קְדוֹשׁ וְכַשְׁרָפִים שָׁמוּ קְדֹשׁוֹ
 נִעְנָה אֶת מַחְלָל יוֹצְרוֹ יִצִּיר נִעְנָה

(b) A Ṭawīl with the second *fa'ūlun* omitted may be recognized in the following prayer by ha-Levi: ¹⁶⁶

יְרַחֵם בְּךָ יְתוֹם אֲסִיר תְּקוּהָ
 וּלְבֹבוּ בְּנִחְלֵי הָעֲנִי נִבְוָה

The concluding line of each strophe is half a Ṭawīl:

בְּאֲסִיר פְּרוֹת חֶלֶם

As given in Harkavy's text there are numerous corruptions, but in his notes ¹⁶⁷ he quotes variations which give better sense, and scan accurately. Thus instead of נִבְוָה (line 17 a) which is substantiated by the rhyme and sense, his text has נִבְהָ. In line 2 a vocalize מַחְבוֹת (cp. Isa. 30. 18).

Abraham Ibn Ezra also has a prayer in a similar metre: ¹⁶⁸

אֱלֹהֵי בְּנִלְיֹתִי בְּךָ אֲחֻסָּה
 בְּצֶל חֶסֶדְךָ כָּל מַעְרוּמֵי כֶסֶה

¹⁶⁵ *Ha-Levi*, ed. Harkavy, II, p. 6.

¹⁶⁶ *Op. cit.*, p. 19.

¹⁶⁷ II, p. 170.

¹⁶⁸ Egers's ed., p. 56.

(c) In a similar metre with the addition of an iamb at the end of the hemistich is the following contemplative poem by ha-Levi: ¹⁶⁹

יִשְׁנֶה בְּהִיק יְלֻדוֹת לְמַחֲתֵי תִשְׁבְּבִי
דְּעִי כִי נְעוּרִים בְּנִעְרָת נִנְעָרוּ

(d) Ha-Levi also has a shortened Basīt: ¹⁷⁰

עַל אֶהְבֶּתְךָ אִשְׁתָּה נְבִיעִי
שָׁלוֹם לְךָ שָׁלוֹם יוֹם הַשְּׁבִיעִי

(e) Ha-Nagid has a peculiar kind of Basīt in which the *mustaf'ilun* feet succeed each other without interruption: ¹⁷¹

אַחַר אֲשֶׁר וְנִמְלֵ חֲסָדִים בְּסִיל יִשׁוּב
מִהַר וְחִמְיֻלִי חֲכָדְיוֹ בְּרַע יוֹבִישׁ

(f) A peculiar kind of the shorter Kāmil is the following in which the second foot of the first hemistich has a *muraffal*: ¹⁷²

יָם סוּף וְסִינִי לְפָרוּגִי
אַבְחַ יְדִידִי יֶאֱרַח

(g) A shortened Hafif is ha-Levi's piyyūt: ¹⁷³

וְזָכְרוּ פְּלִאָאָךְ עֲבָא מְרוֹם
עַל גְּלִילִי וְבוֹל
סוֹבְבִים חוּג בְּפִאֲתֵי דְרוֹם
הוֹלְכִים עַל גְּבוּל

(h) A lengthened Munsariḥ is the following piyyūt by ha-Levi: ¹⁷⁴

מִי יִתְנַנִּי עֶבֶד אֱלֹהֵי עוֹשֵׁנִי
וַיִּתְחַנְנִי כָּל דּוֹר וְהוּא יִקְרִיבֵנִי

¹⁶⁹ Harkavy, II, p. 149.

¹⁷⁰ *Ibid.*, II, p. 126.

¹⁷¹ *Ša'ar ha-Šir*, p. 33.

¹⁷² Harkavy, II, p. 27.

¹⁷³ *Op. cit.*, p. 18.

¹⁷⁴ *Ibid.*, p. 118.

In the same metre is the poem beginning יִרְעִי יְנוּנִי.¹⁷⁵

(i) Abraham Ibn Ezra has a shortened Munsariḥ: ¹⁷⁶

מִכָּל בְּרִיאָה	חַיָּה עֲצוּמָה
וַעֲתָה פְּלִיאָה	מִכּוֹן אֲדָמָה

See also ha-Levi's poem beginning מַה לִּי וְלָכֶם.¹⁷⁷

In addition to these metres there exist some in which the moving *šwās* are entirely neglected. In some cases the poets skilfully avoided those *šwās*. Sa'adyā b. Dannān calls it *the vowel metre* (נֶהָר הַתְּנוּעִי). A good deal of the poems composed in this kind of metre have seven syllables in each hemistich. This remarkably coincides with the Syriac metre. For the majority of the Homilies (*mēmre*) of the Syriac writers have seven vowels in each hemistich. This, however, does not signify that the Syrians influenced the Hebrew poets. Syriac poetry is chiefly christological, and its dull, unattractive tone would scarcely appeal to the keen imagination of the Hebrew poets.

There is no need to quote examples of this metre. Every reader can ascertain it for himself.

In conclusion, I should like to point out that editors in publishing *Dīwāns* would do well to divide the hemistichs into feet. The custom prevailing now is to prefix a row of curved and straight lines which make the reader no wiser, since those lines can be supplied by himself without difficulty.

¹⁷⁵ *Ibid.*, p. 15.

¹⁷⁶ Egers's ed., p. 24.

¹⁷⁷ Brody's ed., II, p. 251.

A CHARTER OF PRIVILEGES OF THE JEWS IN ANCONA OF THE YEAR 1535

BY MAX RADIN, New York City.

IN 1880, M. Isidore Loeb wrote in the *Revue des Études Juives* (I, p. 114): 'L'histoire des relations des Juifs avec la papauté reste encore à faire.' That fact is the more unfortunate, since it is clear that the attitude of the 'Head of Christendom' served very largely as a model for other Christian states. Indeed, the position of the Jews in Western Europe was consciously based upon the formulation of their rights and disabilities prepared at Rome on the basis of the Decretals of Gregory IX (1234):¹ That history, therefore, which is yet to be written, viz. of the relations of Jews to the Papacy, is of fundamental importance for any adequate treatment of Jewish history during the Middle Ages.

The document before us, a charter of privileges granted June 29, 1535, for five years to certain German and other Jews residing at Ancona is extraordinary in the number and character of the privileges conferred. The fact of the tolerant policy toward Jews on the part of Pope Paul III is not merely reconfirmed, but we can see indications of that particular favour which earned for him while Cardinal the gibes of Julius II. It is a special indication of the gaps

¹ Decretals, X, 5, 6: De Judaeis Sarracenis et eorum servis. Cf. S. E. Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-öst. Ländern*, [1901], pp. 24, 32-50.

in our sources that no collection of papal documents, no general or special study of the history of the Jews in Italy, contains either this charter or any reference to it.

It consists of three parchment leaves so folded as to make a book of twelve pages. Its size is 7 by 8 in. The cover, containing the first few sections and the end of the notarial attestation, is missing. A little above the centre, a hole has been gnawed through the entire book by mice. However, practically nothing of importance has been lost.

The provenance of the book is unknown. At the present it is the property of the Jewish Theological Seminary of America, and it is to the courtesy of the Librarian of that institution, Professor Alexander Marx, that I owe the opportunity of examining and publishing it.

In the printing of the following text, parentheses, (), have been used to indicate that the letters in the text have been omitted by carelessness or for abbreviation. Square brackets, [], indicate corrections of errors in the text. Words supplied to fill the above-mentioned gap are printed in italics. Otherwise, care has been taken to preserve the exact reading of the text even to its orthographical inconsistencies, except that to avoid misunderstanding the article has been separated in those cases where it was written continuously with a following or preceding word; e. g. *chel* for *che'l*, *lutile* for *l'utile*.

TEXT.

1. del loco dove habitaran(n)o et sui offitiali p(er) alcuna cagione far ne far far(e) alcu(no) decreto o r(e)formanze in loro p(re)iuditio et q(ue)lli / fatti siano nulli.

2. It(em): supplicamo [supplicanno] li p(refa)ti, ut s(uprascriptum est), che sia data piena et indubitata / fede ad tutti libri et *bastardelli* grandi et piccoli tanto / fatti quanto da farsi qu essero prestiti di denari / receptione de pegni prestito et del riscotere / di detti pegni com de diverse cose et mer/cantie con qualunq si fusse et patti et co(n)ditio/ni quali si soglio tra contrahenti et che in essi libri no(n) si testimonii quali libri et *bastardelli* hab executione parata co(n)tra li debitori in essi descritti et nominati come si fussero publici et auctentici instrumenti no(n) obstanti constitutioni decreti consuetudino reforma(n)ze et altr(e) cose fussero in co(n)trario.

3. It(em): supp(lica)no gli sia lecito et possano prestare securamente et liberamente et senza alcuno impedimento con contratti piacendo a loro et co(n) pegni . . . sopra beni stabili et in ogni altro modo a essi piacesse in la citta terre et luochi predetti ad utile et usura.

4. Item: supplicano li prefati gli sia lecito et possano togliere sopra li pegni mobili per prodo et utile uno bolognino el mese per ciaschun fiorino ad ragione de bolognini quaranta per fiorino, et da un fiorino in giu gli sia lecito togliere per utile uno dinaro bono el mese per ciaschun bolognino et che 'l bolognino s'entenda de venti-quattoro dinari et sia licito mettere mese rotto per sano et non vogliono esser tenuti fare mese sano se non o sano o rotto secondo che occurrese in la ragione delli pegni et che quanto al prestito da farsi ad

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contratti ouero sopra beni stabili possano togliere et gli sia licito / per ciaschun fiorino uno bolognino et mezo el

meſe per quanto / decto preſtito montasse tanto de dinari preſtati ad contratti ſenza beni ſtabili et piu et meno ſecondo ſe pattuiranno in ſieme decti contracti.

5. Item: ſupplicano gli ſia licito dar bovi o altri animali ad ſoccita et ad collatico ad grano ſecondo . . . accorderanno.

6. Item: ſupplicano che neſſuno delli poſteſta quanto altri officiali ouero priori delli pre(detti eccleſiaſtici ouero ſeculari tanto preſenti quanto futuri conſtre(n)gere detti prefati hebrei ne ſoi fattori ne famegli almente ne far conſtrengere ne per executione reale contra prima non ſiano citati et audite le loro ragioni et juridicalmente per ſententia condannati et maxime havendo el valore della quantita veniſſero condannati nelli predetti lochi.

7. Item: ſupplicano che ad eſſi prenominati ſia licito ad coptumare et dare ad coptumo el banco quale teneſſero in ditti lochi ad un' altro hebreo overo ad piu hebrei ſenza pena alcuna con quelli patti conventioni et pretii tra loro ſi accorderanno non obſtanti alcun' altra legge tanto hebraica quanto latina conſtitutioni ſtatuti et reformanze capitoli et ordini fuſſero in contrario, et che detti coptumarii godano tutte executioni et priuilegii che godano eſſi capitulanti ſenza altra confirmatione de ſuperiori.

8. Item: ſupplicano li prefati che ſiano exempti da ogni obſequio personale et reale delli detti lochi tanto ordinario quanto extraordinario et da ogni et qualonque altra impoſita che per alchun modo accadeſſe ſi poſeſſe alli huomini de detti lochi et ſimilmente ſiano exenti da ogni datio et nova impoſitione de gabelle paſſaggi tratte et meſſe de cavar grani da li ditti lochi per la vita loro

durante el tempo de detti capitoli, attento che loro pagano le taglie alla S(anti)ta di N(ostro) S(igno)re.

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9. Item : supplicano che non possano esser molestati da alcuna persona ecclesiastica overo seculare de qualonque dignita se sia ad pagare alcuna decima in qualonque modo si fusse, durante il tempo di decti capitoli.

10. Item : supplicano che di tutti pegni che sono impegnati et da impegnarsi a lo loro banco et fusse passato l' anno del giorno che furono impegnati dalli homini delli prefati lochi overo forastieri li possano vendere et farne tanto quanto fosse cosa loro propria et non piacendo vendere detti pegni ad essi del banco overo soi fattori et ministri et et do poi li patroni di essi volessino riscotere tenuti pagare lo capitale et l' utile in sino ad quelli raccoglie cio e piacendo alli patroni del banco predetto ad compiacerli.

11. Item : supplicano li prefatti non volere esser astretti ad prestare alcuna quantita de dinari ultra la loro possibilita et volunta tanto sopra li pegni mobili quanto stabili overo ad contratti ad nessuna persona delli prenominati lochi o forastieri ma solo prestar quel tanto a loro piacera tanto sopra pegni quanto sopra le prenominate cose et che li di qualonque maniera si fussero si licito pigliarli che vagliano il doppio piu delli denari che l' imprestaranno ne possano esser astretti al prestar piu. Et accadendo che detti pegni fussero forati overo robbati et tolti per executioni da alcuno offitiale non possano essere astretti ad renderli se prima non e satisfacto el banco integramente tanto della sorte principale quanto del usura et piu gli sia

licito ricevere pegni da ogni persona ecclesiastica ovvero secolare da fanti figlioli et moglie et da ogni altra persona non obstanti statuti reformatanze ordinamenti et constitutioni che in contrario facessero.

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12. Item: supplicano che passato l' anno del pegno et tenendolo piu del anno li sia licito metter prodo a capitale non perho per questo capitolo se preiudichi al vender delli pegni predetti in la fine del anno quali vogliono posarli vender piacendoli et similmente questo capitolo habbia loco in li contratti tanto sopra beni stabili quanto in altri contratti et private scritture in qualonque modo si sia.

13. Item: supplicano che a loro scritture libri et bastardelli per nessun tempo tanto per il passato quanto per il venire possa nocere ne obstar alcuna exceptione de prescr(ptione non obstante ragione commune constitutioni et ordinamenti fussero in contrario.

14. Item: supplicano che nessuno offitiale (nelli) prefati lochi possa constrengere essi prefati hebrei ad prestar dinari sopra pegni et senza pegni ad alcuna persona contra la loro volonta.

15. Item: supplicano si alcun pegno li fusse furato ovvero smarito o per alcun caso rubbato non vogliono esser tenuto ad pagar si non el doppio di quello fussero impegnati.

16. Item: supplicano che,—dio cessi tal caso!—la lor casa et pegni si ardessero o gli fussero per guerra rubbati ovvero sforzati o gli fusse rotta la casa in tempo di . . o per altra controversia che fusse non vogliono esser tenuti ad alcuna emenda.

17. Item: supplicano che loro non vogliono esser tenuti ne obligati ad alcuna emenda di panni che si guastassero per sorici brattule et altre tigne.

18. Item: che li beccari del loco dove habitaranno siano tenuti et obligati venderli la carne et admazarla ad usanza di hebrei sotto pena de fiorini cinque per ogni volta che gli rinuntiassero

PAG. 5.

la carne et lo admazar delle bestie d' aplicarsi per la mita al potesta et altra mita al comune di dicto loco et non faccendola al preditto modo gli sia licito comprare el bestame per uso loro et admazarlo a lor modo senza pena bando et gabelle et si per caso la bestia che uccidessero non fusse legitima al modo hebraico gli sia licito venderla ad ogni persona.

19. Item: che nel venerdi santo rati nelle loro case non possano ne debbiano esser m(olestati) da alcuna persona tanto ecclesiastica quanto seculare et li pri(ori del) loco done [dove] habitaranno siano tenuti et obligati sotto pena (di c)ento ducati d' oro da applicarsi alla camera apostolica uno al venerdi santo mandar bandi per li lochi consueti esso loco, che nulla persona tanto ecclesiastica quanto seculare ardisca ne presuma sotto la dicta pena fare ne far fare contra li predetti hebrei et loro beni alcuna molestia et li contrafacienti siano puniti et che 'l p(at)re sia tenuto per el figliolo, et patrone per el garzone, et lo maggiore per lo minore di casa.

20. Item: supplicano che bisognando per sostenimento del banco overo salvatione delli pegni quali non fossero riscossi o per altra cagione trare o rimettere detti pegni in dicto loco dove habitassero gli sia licito trare et reportarli ad loro ben placito.

21. Item: supplicano che passato il tempo di detti capitoli per qualunque modo si fusse che detti pegni non fussero riscossi possano pigliare l' utile secondo si contiene in essi capitoli per insino ad sei mesi dopoi sara finito el tempo di quali sei mesi passati; a la fine di quelli sia licito ad essi capitulanti fare di detti pegni come di cosa loro propria et possere goder tutti et singoli presenti capitoli.

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22. Item: supplicano che accadendo in dicto tempo de detti capitoli che alcuno di loro fusse accusato overo denunciato davanti al qualsivoglia giudice tanto ecclesiastico quanto seculare ad esso accusante overo denunciante non sia data fede alcuna excetto ditta accusa et denuncia non fusse provata per tre testimonii fide digni quali debbiano stare a paragone con esse accusati overo denunciati: et per questo capitolo non se intenda prejudicare alla bulla del P(apa) Alexandro in dutta in favor delli hebrei della Marca et confermata per li altri pontifici.

23. Item: supplicano che essendo li prefatti... quo.... nomine ricercati ad prestare ad carta overo ad che gli sia licito togliere uno bolognino et mezo per fiorino el mese secondo si contiene in li preinserti capitoli overo secondo si accordaranno con quelli che voranno li loro dinari et che tutti li loro contratti tanto de deposito quanto de altre private scritture overo di robbe vendute giongendo el tempo delli detti contratti di riscotere li loro dinari et li loro debitori non pagassero al tempo deputato et tra loro convenuto siano tenuti essi debitori et debbiano pagare l' utile detti dinari tutto il tempo che li teneranno et haveranno tenuti et sia gli fatta detti oratori ragion sum-

maria tanto del utile quanto del primo capitale non obstante statuti reformanze et ordinamenti che in contrario disponessero et pagandosi alcuna quantita de dinari per li loro debitori se intenda per l' utile corso per il tempo passato et pagandosi piu se scompoti nel capitale.

24. Item: supplicano che ad essi prenominati quibus ut *suprascriptum* est nominibus sia licito prestare ad ogni et qualunque forastiero con pegni et ad contratti secondo si contiene in li *predicti* capitoli et piu et meno secondo tra loro saranno concordi.

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25. Item: che li sia licito vendere et far vendere ogni sorte de frumenti et biadi, panni di lino et di lana et altre cose in credenza secondo li patti che faranno con li compratori senza pena alcuna.

26. Item: supplicano che accadendo alcuno errore in li calcoli ovvero nel togliere del utile o in qualunque altro modo si fusse non vogliono esser tenuti ne incorrano pena alcuna ma *solum* ad refare li conti et restituire quel tanto fusse prestato fuori del dovere.

27. Item: supplicano che essi et la lor famiglia possano et sia lor licito andare senza segno per tutte le citte *terre* et luochi predetti. Et non portando dicto segno non possano esser molestati da marescallo ne da alchuni offitiali o commune et superiori de detti lochi.

28. Item: supplicano che contra li prenominati et lor famiglia nelle loro facende et occurentie per nessun modo alcuno potesta o altro offitiale di qualunque dignita se sia, tanto presente quanto futuro, possa procedere in alcuno atto ignominioso ne fare executione alcuna reale o personale sotto alcuno quesito colore ma *solum* possa contra lor

procedere lo signore locotenente de detti lochi et soi auditori quali habbiano da essere judici competenti a loro ; et questo senza preiuditio della Bulla preditta.

29. Item : supplicano non volere esser tenuti ne obligati ad far fare li bandimenti delli pegni quali havessero passato l' anno secondo forsi e stato consueto per el passato ma vogliono essere in loro liberta.

30. Item : supplicano che non siano tenuti in tempo di morbo o di guerra o d' alcun' altra suspitione stare et fare residentia in dicti lochi.

31. Item : supplicano che non vogliono esser tenuti ne obligati far alcun scam-

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bio di pegni contra la loro volonta.

32. Item : supplicano che 'l potesta et altri offitiali de detti lochi siano tenuti et debbiano administrare ragione summaria et expedita,—non servata forma judiciaria sed sola facti veritate inspecta—et secondo li loro libri et scritture et che li detti offitiali siano tenuti et obligati ad osservare et far osservare tutti et singoli presenti capitoli inviolabili sotto pena de cinquanta ducati d' oro per ciascuno et ciascuna volta che contrafacessero da applicarsi ipso facto alla camera apostolica et similimente nessun commissario et altro offitiale presente et futuro ecclesiastico ovvero seculare di qualonque grado et dignita se sia ardisca ne presuma contravenire alli presenti capitoli sotto pena di cento ducati d'oro da applicarsi ipso facto alla camera apostolica per ciascuno et ciascuna volta se contravenisse.

33. Item : supplicano che tutti altri capitoli privilegi et gratie che loro havessero havute ottenute usate et godute per li tempi passati et confirmati da

overo da altri superiori possano godere et usare come li presenti capitoli per dicto tempo de cinque anni non obstanti fusse passato et finito il tempo di usarli et goderli et alcun' altra cosa in contrario.

34. Item: supplicano che in alcun tempo li prefati hebrei non siano vexati ne constretti overo in alcun modo molestati dalle communita dei detti lochi overo da potesta et altri officiali ad persuasione de predicatori ad audire et andare audire loro predicationi non obstanti cosa fusse incontrario.

35. Item: perche li prefati hebrei allegano havere alcuna loro controversia et inimicitie et dubitano non li sia fatta alcuna violentia, per questo supplicano per le loro securita gli sia licito

PAG. 9.

in detti lochi a ciascuno di loro et a d[o]i loro famegli in compagnia portare le arme honeste et fuora de detti lochi portarle al modo loro et per questo non possano esser molestati ne puniti da Marescallo alcuno overo potesta et offitiali de detti lochi non obstanti statuti ordinamenti et Bandimenti fussero in contrario.

36. Item: che li prefati hebrei non siano tenuti ad prestare contra la loro volonta dinari panni letti cavalli o alcun' altra cosa ne ad locatenenti ne ad priori ne ad altra persona tanto ecclesiastica quanto seculare; et quando li . . . saranno sforzati alle predicte cose quelli li quali li sforzaranno cadano in pena de ducento ducati d'oro da applicarsi alla camera apostolica per ogni volta che dicto caso intravenisse non obstanti alcuna cosa gli fusse in contrario.

37. Item: che nel di delle feste, loro et lor donne

possano lavorare in le loro case senza pagar pena alcuna et ogni volta che saranno molestati incorrano in la pena predicta da applicarse come di sopra.

38. Item: li prefatti supplicano che essendo trovati dalla corte de dicti lochi andare di notte senza lume non gli possano sforzare ad pagare pena alcuna et quello che li sforzaranno incorrano la pena di vinticinque ducati d'oro da applicarsi ipso facto alla camera apostolica non obstanti statuti ordinamenti consuetudini bandi et alcun' altra cosa in contrario li fusse.

39. Item: supplicano che si per caso durante il tempo de detti capitoli le communita di detti lochi o alcuno di essi prohibesse a detti capitulanti che non prestassero sopra pegni ne ad

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alcun' altro modo et gli rompesse detti capitoli per justa causa, possano li prefati prestare alli forastieri non obstanti la prohibitione de dicta communita ne incorrano perho pena che li imponesse.

40. Item: supplicano li prefati che accadendogli esser fatta permissione overo obligatione di alcuna sorte de biadi et frumenti o vini o altre cose che fussero da homini di detti lochi possano eseguirli et riscoterli quanto in essa conventione sara quantumche incarissero o invilissero loro pretio et per questo li sia fatta ragion summaria et de plano sine figura iudicii da tutti et singuli offitiali et potesta [de] detti lochi in . . . tale executione non obstanti statuti et bandimenti o altra cosa fusse in contrario tanto fatto quanto da farsi.

41. Item: supplicano li prefati che essendo ricerchi da alcuno ad prestar dinari sopra pegni non havendo loro

dinari gli sia licito portare detti pegni in altri banchi et quelli impegnare di consentimento del patrone et che a tempo di morbo o di guerra non siano tenuti exercitare alcun negotio.

42. Item: supplicano che a detti oratori o a loro famegli administrators et fattori sia licito il di festivo vendere et comprare et far tutte le faccende nelle loro case honestamente et si el potesta o altri offitiali gli desse molestia o gli astrengessero ad farli pagare alcuna pena incorrano la pena de cinquanta ducati d' oro da applicarsi come di sopra.

43. Item: supplicano li prefati che a loro crediti non possa nocere ne obstarre alcuna sorte de moratorie o cinque ne alcun' al-

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tra dilatione che in preiuditio de detti hebrei fussero per alcun tempo et da alcun superiore concesse, ma quelle non obstante possano liberamente exigere li loro crediti attento che a loro bisogna pagare le loro taglie et vigesime alla Santita di Nostro Signore et volendo alcuno di detti debitori cedere alli beni ad tal cessione non siano admessi si non osservaranno in tutto et per tutto la forma delli statuti delli predicti lochi.

44. Item: perche molte volte e accaduto che passando per detti lochi soldati et altre gente quale la communita e obligata overo necessitata alloggiarli nelle proprie case delli homini de detti lochi et li priori et altri che regono per tal peso dalle spalle li hanno per bolettini o altrimenti in alle case de detti hebrei per il che hanno sostenuto grande danno et pero supplicano che accadendo simil caso non possano esser gravati a ricevere in le loro

case soldati o altre genti ad alloggiare alle loro proprie spese eccetto quando tale alloggiare fusse generale in dicti lochi et facendosi altrimenti li priori o altri che reggeranno ad quel tempo siano obligati remove detti soldati et altre gente da le case de detti hebrei et contrafaciendo incorrano la pena de tutti danni spese et interessi che per tal causa patissero et ogni giudice de detti lochi sia tenuto in questo caso farli ragione sommaria.

AUGUSTINUS SPINOLA S(anci)ti Apollinaris presbiter Cardinalis S(anctae) R(omanae) E(cclesiae) Camerarius Suprascripta capitula pro parte prefatorum Isac de Magis et Lustri Simonis theutonicorum habitantium in civitate Ancone provincie Marchie et aliorum ut suprascriptum est hebreorum nobis per nos toleranda porretta et presentata ac per nos visa corretta et modificata, De

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mandato S(ancti) D(omini) N(ostri)
vive vocis oraculo super hoc nobis facto, et auctoritate nostri Camerarius officii prout supra notata et scripta sunt predictis hebreis eorumque filiis et heredibus sociis institoribus factoribus famulis et ministris per quinque annos a dat(ione) presentium computan(dos), eo modo quo sine peccato possumus et s(anct)a Mater ecclesia consuevit, toleramus, MANDANTES quibusvis gubernatoribus, locatenentibus, auditoribus, potestatibus, barisellis, schalchis, executoribus ceterisque officialibus quocunque nomine nuncupatis secularibus et ecclesiasticis nunc et pro tempore existentibus et ubilibet in locis S(anctae) R(omanae) C(uriae) mediate vel immediate subiecte constitutis, quatenus premissa omnia inviolabiliter observent et faciant

ab aliis observari sub excommunicationis et mille ducatorum pro quolibet contrafaciente camere apostolice applicandorum penis: irritum decernentes et inane quicquid in contrarium contigerit attemptari, constitutionibus et ordinationibus apostolicis ac capitulis hebreis in locis predictis toleratis seu tolerandis,—et si in illis expresse caveat quod nullus alius hebreus in eisdem locis mutuare et fenus exercere possit nisi persone dicta capitula habentes, quibus illorum tenores persufficienter expressis [habentes], illis alias in suo robore permansuris ac vice, dumtaxat specialiter et expresse derogamus,—ceterisque contrariis non obstantibus quibuscumque. Datum *Rome* in camera apostolica die vigesima nona mensis junii MDXXXV pontificatus sanctissimi in Christo patris et D(omini) Nostri Domini Pauli divina providentia papae tertii Anno primo.

At the end of the last page appears the phrase *visa Philippus* . . . Below appear the words *omisso sigillo in capsula stan(n)ea pendente*, and then the attestation, which was completed on the missing leaf.

Ego Thomas de Monacis de Aug[ustino ordine] publicus apostolica auctoritate notarius supradictum exemplum seu transuntum [transumptum] . . .

After the last *capitolo* there is written in a slightly more Gothic hand, and in different ink, the following. Toward the left: *Vidi Claudius Sarbossus pretor*; toward the right: *Vidi David Lo-ly Cens. MDXXXV.*

At the bottom of page II, in a hand similar to that of Sarbossus, and in the same ink, we find the following statement,—evidently incomplete:

In vedendo et li previditi et li sudditti executioni delli ordini delli patroni nostri che non havendo offitio alcuno di exeguire controlli su dicti hebrei non vogliono . . .

A similarly incomplete section has been inserted after cap. 41 on p. 10:

Item: supplicano che siano eseguiti li ordini per poter exer . . .

Also at the bottom of p. 7:

vi sono alcuni uomini che sotto specie di . . .

At the bottom of p. 6, and after cap. 30, disjointed phrases are written, some of which are repetitions of the words immediately over them. The latter undoubtedly create the impression of being written in order to practise the handwriting. At any rate all these sentences and phrases were obviously added after the document left the Papal Chancellery, and are therefore no real part of it.

Marginal notes in Hebrew are found at the side of some *capitoli* in order to indicate the contents. So at the side of cap. 11, p. 3, appears the word גִּנְבָה. Other words occur in the margin near cap. 13, p. 4, and cap. 15 (p. 4), but they are illegible.

Either the holder of the document, or the clerk who executed it, has directed special attention by marks or underlining to cap. 6 (p. 2) and 13 (p. 4), and to the words 'et piu gli sia licito ricevere pegni . . . et da ogni altra persona non obstanti statuti' &c. in § 11 (p. 3).

The following is a brief summary of the contents of each capitolo:

1. The local authorities are to make no laws or regulations to the prejudice of the Jews herein referred to.
2. Their books and memoranda shall be valid evidence for transactions of any sort.
3. They may make contracts of any sort secured by pledges of either realty or personalty.

4. They may charge as interest 1 bolognino a month for every florin (30 % per annum), for sums less than 1 florin, 1 dinaro a month for every bolognino (50 % per annum), on pledges of personalty. A fraction of a month to count as a full month. On pledges of realty the rate is to be $1\frac{1}{2}$ bolognini per florin (45 % per annum).

5. They may make contracts for the keep and care of oxen and other live-stock.

6. No official, ecclesiastic or secular, may confiscate their money or property except in execution of a judgement duly obtained from a competent tribunal.

7. They may assign their banking privileges to one or more Jews upon any terms they please; the assignees to stand in exactly the position they themselves occupied.

8. They are exempt from all taxes or imposts of every description except the *taille* to the Roman See.

9. They are to pay no tithes to any person ecclesiastic or secular.

10. If pledges are not redeemed within one year, they may be sold as though they were the banker's property. If the latter chooses to keep them he may charge interest as heretofore.

11. The Jews are not to be required or forced to loan upon security more than they choose. If the pledge is lost or stolen, they may deduct amount loaned and interest, in making compensation. They may loan to any person, ecclesiastic or secular, to servants, children, and women.

12. After the year of redemption has passed they may add the accrued interest to the capital without prejudice to their right of selling the pledge.

13. Statutes of limitations are not to run against their written contracts.

14. No official is to compel them to make a loan against their will.

15. In case of loss or theft of the pledge, they are not to pay more than twice the amount loaned under any circumstances.

16. In case of Act of God or *force majeure* (fire,—which God forbid,—war, hurricane), they are not to be responsible for the pledges.

17. They are not responsible for damage done by vermin or decay to pledged clothing.

18. The local butchers are to slaughter cattle of the Jews according to the Jewish ritual, under pain of 5 fl. fine for every offence. The Jews may, otherwise, slaughter them themselves without payment of any licence-fees, and sell what their dietary laws forbid them to use.

19. On Good Friday they are to be free from molestation of any sort. The local officials, under pain of 100 gold ducats fine, are to take special precaution to secure their safety by appropriate proclamations. The head of the household will be responsible for acts committed by minors under his care.

20. They may take their pledges with them whenever change of residence is necessitated.

21. At the expiration of this charter, they have six months' grace for all pledges not yet redeemed, and they may sell these pledges at the end of those six months.

22. In any suit, civil or criminal, in which they are defendants, at least three trustworthy witnesses of equal rank with the defendant are necessary to support the complaint. This is to be the case without prejudice to the bull of Pope Alexander.

23. In loans without security they may charge $1\frac{1}{2}$

bolognini per florin a month (45% per annum), or as per agreement. Their debtors of every sort must pay for the actual time elapsed, whatever may be the period mentioned in the agreement. The petitioners may have summary execution for principal and interest due.

24. They may loan money to foreigners upon any terms they can agree upon.

25. They may sell grain or merchandise on cash or credit without payment of a fine.

26. In case of error in calculation, whether of debt or interest, they are simply to correct the mistake without additional penalty.

27. They need not wear a badge of any sort.

28. No official is to inflict punishment on them or make levies on their property except the Papal Vicar of the districts and his duly commissioned judges.

29. They are not bound to give notice of the expiration of the year of redemption, which previous local custom had required.

30. They need not dwell in their present locality in case of war or pestilence.

31. They need not exchange pledges, unless they wish to.

32. They may demand from the local officials summary procedure to collect their debts, in accordance with the sections of this charter. The penalty upon the officials for failure to do so is fifty gold ducats for each person and each offence. In general, the penalty for direct violation of these provisions is to be one hundred gold ducats for each person and each offence.

33. All their former or other rights, favours, and privileges are hereby continued for the term of this charter.

34. They are not to be compelled to hear conversionist, or other, sermons.

35. For their security, they may bear arms in or out of the places mentioned.

36. They are not to be required to loan money, horses, furniture, or other things to any official, under pain of two hundred gold ducats fine.

37. On (Christian) holidays they may work in their homes without molestation.

38. If they are found without a light at night, they are to pay no penalty. Those who force them to do so incur a fine of twenty-five gold ducats.

39. If for good ground, loans of money upon pledges are forbidden in any community, the Jews may, under all circumstances, do so to strangers.

40. If they have acquired rights in food, wine, or other things, they may obtain the articles by summary judicial procedure.

41. If application is made for a loan and they have no money, they may take the article offered as security in order to pledge it with another banker, with the owners' consent. They shall not be compelled to transact business in times of war or pestilence.

42. The petitioners and their agents may buy and sell on holidays in their own house. Any official who molests them while so doing, incurs a fine of fifty gold ducats.

43. No delays or dilatory pleas shall be permitted when they sue for moneys due to them, nor can debtors avoid their obligations by general assignment, except in statutory form.

44. Inasmuch as it is a practice to quarter soldiers and others upon the Jews, that is hereby forbidden unless such

quartering is general throughout the district. The local officials will upon demand remove the soldiers or be held liable for all damages sustained.

Stern's *Urk. Beitr.*, No. 78, contains a charter, granted in the name of Paul III by Cardinal Spinola to the Jews of Romagna, and bearing the date Feb. 10, 1535. It is considerably shorter than the one under discussion, but contains some provisions like it. So we find that the Jews need not wear *berette gialle*, 'the yellow gaberdine'. They may work in their houses on all festivals except Corpus Christi, Assumption, Christmas, and the first (sic!) ² days of Easter. They are not obliged to furnish officials with money or commodities. Two witnesses are needed against them, each having one hundred scudi, when they are defendants; and they are entitled to summary justice, when they are plaintiffs, *sine strepitu o figura di iudicio*. Local butchers are required to kill cattle of Jews according to Jewish law.

It will be seen that the Pope's liegemen receive considerably more restricted privileges than do these foreigners at Ancona.

The right of summary justice (*ius summarium*) is granted to the Jews of Piedmont by Duke Carlo on May 31, 1553.³ Without, however, such specific injunctions as are contained here, it is not likely to have been more than purely formal.

Otherwise this document, in its length, nature, and source, has scarcely a parallel. There is no apologetic

² One would expect the last days, rather than the first. It may be a clerical error, or the reading may be wrong.

³ Jost, *Gesch. u. Darstellung der Rechtsverhältnisse der Israeliten*, Berlin (1847).

phrase in the sanction, such as we find in the charter published by Stern (*supra*), viz. *ut quandoque mansuetudine christiana affecti*. The head of the Christian church whose predecessors forbade usury,—even interest,—of every description,⁴ permits the exaction of 30-45 % interest 'from any person, ecclesiastic or lay, man, woman, or child'.⁵ The Jews are relieved from all personal disabilities, they may freely bear arms; their rights as litigants are both specially protected and expedited. On Good Friday, the day *par excellence* of massacres, especial and drastic provision is made for their security. They may work and transact business on the holiest of Christian festivals.

Nor need we suppose this document to have been a mere rhetorical flourish. With a keen and energetic ruler like Paul III, orders were likely to be obeyed, and we may be sure there were few who 'dared or presumed to contravene these provisions or any of them'.⁶

A point that calls for special notice is that this charter supersedes the express stipulation of other documents to the effect that no other Jews besides those to whom these previous charters were granted, are to receive banking privileges in Ancona. It helps us understand, though it is far from justifying, the protest of the Roman Jews to

⁴ Cf. the famous bull of Alexander IV, Aug. 23, 1258, *RÉJ.*, I, 296-7.

⁵ The Jews of Florence in 1430 took only 20 %. Cf. Güdemann, *Erziehungswesen der Juden in Italien*, p. 246. Ammirato, *Istorie Fior.*, II, 1063.

⁶ It is very likely that the views current in Protestant countries about the Popes of the later Renaissance, Alexander VI, Julius II, Leo X, Paul III, are as exaggerated as those long current about the early Roman emperors. Roscoe's *Leo X* long dominated the English-speaking world's conception of that time. For a fairer estimate of the character and capacity of these men,—one which is in no sense a 'rehabilitation',—cf. Prof. Pastor's monumental *Geschichte der Päpste*, especially vols. III and IV.

Alexander VI against the settlement of Spanish refugees in Rome. It was not blind jealousy of intruders as Grätz seems to believe,⁷ but fear of a competition that might easily endanger their livelihood.

These German Jews⁸ were much less refugees from oppression than brought to Italy by economic pressure. The condition of Germany at the time of the Reformation,—i. e. just the period of this document,—was distinctly not promising, and our Simon and Isac were demonstrably not the only ones of their countrymen who sought better conditions elsewhere.⁹

A bull of Alexander VI is mentioned in this document [cap. 22 and 28]. It seems to have been a bull of general privileges. Unless it is identical with the well-known one that imposed a tax on the Jews for the Turkish war (which is scarcely probable), it is still unpublished.

Besides the light this charter throws on the condition of the Jews at the time, valuable information is likewise afforded on many general legal and economic questions. It is even of importance for Italian philology. Ordinarily, documents of this character are wholly technical in phrasing and forms, but the very carelessness with which this one is prepared permits inferences as to pronunciation which may be utilized. Under all circumstances, we can through it better understand the letter which Sadolet wrote to Cardinal Alessandro Farnese: 'No Christians have ever received from any pope such favours, privileges, and concessions as those which Pope Paul III has, during these

⁷ Grätz, VIII⁸, pp. 364-5.

⁸ Cf. the Jews *nationis Theutonicae*; Stern, *Urkunden*, No. 80.

⁹ Cf. J. S. Shapiro, 'Social Reform and the Reformation', *Columbia University Studies in Political Science*, XXXIV, 2 (1909).

years, heaped upon the Jews,—with which he has armed them.’¹¹

The representatives of the community are named in Latin, Isac de Magis and Simon Luster. Whether these can be identified with individuals otherwise known must be determined from other sources. It is interesting to note that the *censor*, David Loly, bears a name constantly recurring in the well-known Lolli family of Trieste.

¹⁰ Quoted by Grätz⁸ (Leipzig, 1891), vol. IX, p. 262.

RECENT BIBLICAL LITERATURE

The International Bible Dictionary. Based on Wm. Smith's one-volume work. Edited by F. N. PELOUBET, D.D., assisted by ALICE D. ADAMS, M.A. Philadelphia: The JOHN C. WINSTON COMPANY, [1912], pp. 799.

Sir William Smith's *Dictionary of the Bible* (1860-5) in four volumes was condensed by himself into a concise one-volume edition, which was revised for the American public more than a quarter of a century ago by the principal editor of the present work. The latter, while based on the older publication of 1881, is to a large extent a new book, having been re-written and enlarged, and embodying the results of 'the most recent and accepted research'. The editors aver that 'every article has been tested by the best and most modern authority, and there is scarcely an article which has not been changed in some respect, while in many cases the changes have been great and important, or the articles wholly re-written'. Naturally in a concise Bible Dictionary, which is intended for Sunday school teachers and the laity, long discussions are out of place. Questions which are still under debate or, as the Preface expresses it, are still 'in the melting-pot', have been entirely ignored. The truth is that for the most part the articles contain chiefly the Bible material arranged in order and systematized without much attempt at criticism of any kind. It is perhaps for this reason that the work will prove eminently useful for the class of readers for whom it has been designed.

The Life of William Robertson Smith. By JOHN SUTHERLAND BLACK and GEORGE CHRYSAL. London: ADAM and CHARLES BLACK, MCMXII. pp. ix+638.

Lectures and Essays of William Robertson Smith. Edited by JOHN SUTHERLAND BLACK and GEORGE CHRYSAL. London: ADAM and CHARLES BLACK, MCMXII. pp. xii+622.

The interest in Bible workers is a bye-product of that in Bible work. The great pathfinders and master builders of the modern science of the Bible are for the most part submerged in their books. Men of the type of Lagarde who in a somewhat mediæval fashion weave into their literary productions the thread of the personal and human are the exception. Yet even in the case of Lagarde, his *Life*, from the pen of his wife, who shared with him his struggles and his honours, and above all his scholarly aims and ambitions, brings to our notice the man behind the scholar, the man with his foibles and faults and prejudices no less than the great and patient investigator. William Robertson Smith is a name familiar enough to Bible students. In a short life, full of vicissitudes, he gave to the world several monumental volumes which will live after him. His biography, the work of two lifelong and devoted friends, makes exceedingly interesting and profitable reading. There is enough of the typical in the life of W. R. Smith to engage the attention of the historian to whom the personal is perchance of small moment. It is true, heresy trials have multiplied since the stirring days of the 'libel' which drove out W. R. Smith from his theological chair; we can recall several that are within the memory of our own generation; the battle for academic freedom in theological schools is well-nigh won, and the teachings of criticism are not only freely promulgated but, it would seem, are nowadays encouraged to the exclusion of the opposite views. It may perhaps be avowed that the conservative teacher is quite often in our own day shut out from the free expression of opinions which are against the prevailing fashion. Smith's heresy trial, however, was the first of its kind. It aroused at the time world-wide interest. Forced out

of a career for conscience' sake, Smith was nobly and generously assisted by friends. He accepted only half of the gift; it placed him in a position to enlarge his library, to 'buy books', and thus to prepare himself for the Arabic chair at Cambridge, which he came to hold after the death of William Wright. At first, of course, he had to be satisfied with a mere readership to which a salary of fifty pounds a year was attached. The appointing authorities found it necessary to ascertain whether the gentleman 'under a theological cloud' was at least a Christian. Testimonials as to the fitness of the future author of *Kinship and Marriage in Early Arabia* came from world-renowned Semitists on the continent. Nature had not endowed him with a robust physique, and his life was cut short at fifty, after years of suffering. He never ceased to work. Beside his great books, he found time and energy to engage in the editorial work connected with the ninth edition of the *Encyclopaedia Britannica* and to contribute a great number of articles himself. He planned the *Encyclopaedia Biblica*. Though his fame will rest on his four great works, he made in his early life contributions to mathematics and the science of physics which are now gathered together in the companion volume containing his Lectures and Essays. The volume contains, besides, theological and Oriental essays which will be read with interest by all those who know Smith from his more monumental works. Of capital importance are his papers on 'Animal Tribes in the Old Testament' and the two reviews of Wellhausen and Renan. The 'Journey in the Hejaz' affords interesting reading.

Nieuw licht over het Oude Testament. Verspreide opstellen.
Van Dr. G. WILDEBOER, hoogleraar te Leiden. Haarlem :
F. BOHN, 1911. pp. xi + 312.

Stand und Aufgabe der Alttestamentlichen Wissenschaft in der Gegenwart. Rektoratsrede gehalten an der 77. Stiftungsfeier der Universität Bern am 25. November 1911. Von Professor D. KARL MARTI. Bern : MAX DRECHSEL, 1912. pp. 27.

The Scientific Study of the Old Testament. Its principal results, and their bearing upon religious instruction. By Dr. RUDOLF KITTEL, Professor at the University of Leipzig, Germany. Translated by J. CALEB HUGHES, M.A., Ph.D. With eleven plates and sketches in the text. New York: G. P. PUTNAM & SONS, 1910. pp. xvi + 301.

A History of the Literature of Ancient Israel. From the earliest times to 135 B. C. By HENRY THATCHER FOWLER, Ph.D., Professor of Biblical Literature and History in Brown University. New York: The MACMILLAN COMPANY, 1912. pp. xiv + 392.

Zur Einleitung in das Alte Testament. Von CARL HEINRICH CORNILL. Tübingen: J. C. B. MOHR, 1912. pp. 124.

Zur Einleitung in das Alte Testament. Von Prof. Dr. E. SELLIN. Eine Erwiderung auf die gleichnamige Schrift C. H. Cornills. Leipzig: QUELLE & MEYER, 1912. pp. iii + 105.

G. Wildeboer, the well-known author of an *Introduction into the Old Testament* (German translation, 1895) and of *The Origin of the Canon of the Old Testament* (English translation, 1895), as well as of a *Commentary on Proverbs, Ecclesiastes, and Esther* in Marti's series (1897-8), passed away Sept. 4, 1911, in his fifty-sixth year. The volume before us was concluded in April, 1911. New in this collection of essays is the translation of the thirty-second Psalm embodying emendations borrowed from Ehrlich, and chosen as a counterpart to the Babylonian penitential Psalms. The other essays which have been all previously printed deal in a dignified popular manner with a number of questions more or less recently debated. While such subjects as the relation of the Jahveh religion to the popular religion, the Amarna tablets, Babel and Bible, the Hammurabi Code, specifically the Hammurabi Code and the Old Testament patriarchs have been discussed by others at great length, and will not so readily claim the reader's attention except for the sober point of view from which the topics are approached, there is an element

of freshness in the essays on recent excavations in Palestine where the results in their bearing upon biblical history and the biblical religion are interestingly presented, and on the status of woman in Israel wherein a remark of Stade's that the Jahveh religion was essentially a masculine religion is successfully refuted. Antifeministic tendencies may be traced in post-exilic Judaism, but the Bible as a whole may be exculpated from any disrespectful attitude to woman. Nay, the reverse is true that woman is held in high honour in the Scriptures. Scholars will be most interested in the introductory essay, an inaugural lecture delivered October 2, 1907, when the author succeeded to the chair of the Hebrew Language and Archaeology in the Faculty of Letters of the University of Leiden, vacated by Oort. The lecture dealing with the present status of the Old Testament problem is in the nature of a retrospect. While a younger man standing at the beginning of his career will indulge in a programme of future visions, a maturer man with an established reputation will take occasion to sum up a period which lies behind him. After an historical survey of the labours of the past generation represented by masters of the type of Reuss, Graf, Kuenen, and Wellhausen, the lecturer proceeds to an analysis of the attacks upon the dominant literary criticism of more recent date. Apologists of the type of James Robertson are well meaning enough, but good intentions must be coupled with sound knowledge. More formidable are the attacks which have come from the quarters of archaeologists of repute, notably Assyriologists. It has been said that had Kuenen known of the Code of Hammurabi and the Amarna finds at the time when he wrote his *Onderzoek* he might have arrived at totally different conclusions. Hommel prophesies the advent of a new era when modern criticism of the Pentateuch will be looked upon as antiquated and hardly worth while serious attention. Wildeboer is far from denying that the results of archaeology, of excavations in Assyria, Babylonia, Egypt, and Palestine have shed new light on biblical problems. He is also ready to admit that the literary critics have been guilty of one-sidedness. The trustworthiness of oral tradition which both

preceded and followed the literary compositions was not highly enough appreciated. The fact that at one and the same period there may have co-existed divergent tendencies and cross-currents was lost sight of. Much, far too much was made of the argument from silence. Similar phraseology led to the hasty assumption of literary dependence, and contradictions and incongruities to the theory of interpolations. We know now that the literary process of, let us say, the Book of Deuteronomy was a complicated and lengthy one. The date of composition is one thing, and the date of the sources which ascend to oral tradition quite another. It may be that the Priests' Code lay at the foundation of post-exilic Judaism, but it marked at the same time the close and summing up of the pre-exilic development, the codification and systematization of priestly *torot* handed down by word of mouth. So radical a critic as Stade makes use of the Priests Code to describe the conditions of Israel's ancient religion. But Schwally is quite right in seeing in the provisions of Deut. 20. 5-8 remnants of very ancient customs, instead of regarding the passage with Wellhausen as a late interpolation. It is vain, however, to point to monotheistic currents in Babylonia and Egypt as explanatory of Jewish monotheism. Wellhausen long ago despaired of solving the riddle how it was that the God of Israel alone, and not the gods of Moab and the neighbouring peoples, became the God of justice, the Creator of heaven and earth. Surely the influences from Babylonia and Egypt operated there as well as in Israel. There is much to be conceded to Gunkel and his school that the prophetic eschatology, instead of being according to Wellhausen a reflex of later times opening up the apocalyptic era, is in point of fact older than the prophets. Gressmann's monograph deserves to be taken seriously. Literary criticism has been too facile with dates. It believed that it could point to the exact time in history when a certain religious conception had its birth. Literary criticism may learn from the newer comparative method. But we must guard against the extravagances of the Pan-Babylonists. To regard with Winckler the prophets of Israel as political agents in the service of Babylon, and the

Trinity as 'the unity of the three great constellations', or with Jensen to see in the lives of the patriarchs and prophets, nay, even of Jesus, nothing but a reflex of the life of Gilgamesh, means to ask of every non-Assyriologist a faith in the all-sufficiency of the comparative method which he cannot and will not have. What distinguishes us from the men of the past generation is not so much a shifting of principles as merely the fact that we have a richer array of facts at our command and that our circle of vision is enlarged. The newer light will prevent us from one-sidedness; in all other respects we still continue on the road opened up by the disciples of Reuss.

Marti's 'Rektoratsrede', or, as we should say, 'presidential address', offers many parallels to the essay just sketched. There is the same insistence on the cogency of the results of the historico-critical school, the same resolute brushing aside of pan-Babylonist vagaries. Far from counselling an Old Testament 'myopia' which will exclude the light which comes from many quarters, he is emphatic in urging upon the student of the Scriptures a degree of independence which will safeguard him against sacrificing the unique character of the religion of Israel to the analogy of foreign standards. Marti may be a bit too severe against Gunkel and his school, but we cannot but assent to him in his critique of that method which on the basis of meagre analogy pronounces everything that is great in the Scriptural religion to be a reflex of extraneous conceptions. Nor is Marti wrong when with a bit of satire he avers that the Pan-Babylonism of Winckler and Jensen has given way to a species of Pan-Germanism whose protagonists are dilettanti of the type of Chamberlain, but also serious scholars of whom a greater stability of judgement and less proneness to sensational theories might with reason be expected.

Bewildered as the layman naturally is by the theories concerning the origin of Israel's religion and literature, which make their way from learned publications into the daily newspaper—sometimes the road to the popular press is a much shorter one—he will in due course turn to sober-minded scholars for an

authoritative pronouncement on what may be accepted as scientifically certain. To all such inquirers after the truth as to the results of the scientific study of the Old Testament, Professor Kittel's volume will prove indeed welcome. The volume had its origin in a course of six lectures delivered before the elementary school teachers in Saxony at the request of the Ministry of Education and Public Worship. Religious instruction being compulsory in the schools, it was felt by the government that the teachers should come in direct contact with an expert who might tell them what are the authentic results of the modern study of the Old Testament with which the elementary instruction in the schools would require to be harmonized. The author starts out with a query as to what is really meant by authentic results. He distinguishes various degrees of certainty. A certainty of the first degree is based upon documentary evidence; a certainty of the second degree amounting to a likely probability results from documents which are ambiguous or incomplete, for in the elucidation of obscurities or the filling up of gaps an element of subjectivity necessarily enters; the same is true of documents which are remote in time from the events narrated in them; if the interval of time between the events and the documents describing them is far too great, we have a certainty of the third degree resting upon hypotheses which are naturally of the subjective kind with various degrees of plausibility. Hypotheses have their justification; they are indispensable; but it is well to know the data upon which they rest and the line of reasoning by which they are reached. Above all, it is important to distinguish between a theory widely accepted and a proposition which scholars hold as an individual opinion. Throughout the volume, whether discussing the results based upon excavation or those arrived at by literary criticism or historical research, Kittel maintains the same cautious conservative attitude which knows how to seize upon the elements which are beyond cavil or doubt, and discriminates between the certain, probable, and possible. The reader will do well to read the supplement in which some of the questions which were put to the lecturer by his audience are

answered. Kittel on the whole keeps within the limits of the scientific specialist: that much I know, but all the other things do not come within my province. When confronted with a pedagogical question he pleads inexperience. For though Kittel was engaged in teaching elementary and secondary classes at an earlier period of his career, his pursuits during his academic years have been those of the investigator. Nevertheless his answers contain wise counsel. The teacher must possess tact. He must always tell the truth, but he must not raise questions of doubt on his own account. He must be above all positive. He must never forget that his province is not to teach criticism or history, but religion. And the same applies to the preacher. Kittel strongly condemns the tendencies in certain quarters which are directed towards the exclusion of the Old Testament from the religious instruction in Christian schools. He falls back upon the idea of progressive revelation to explain the inferior standards of morality which Christians are wont to find in the Old Testament religion.

Fowler presents a survey of the literature of ancient Israel in chronological order within the framework of Jewish history. Naturally this method imposes upon the author the necessity of committing himself to a definite opinion. He follows the results of the dominant school of criticism. Parts of the Scriptures are placed in Maccabean times. The author has made good use of the critical and historical literature. He writes in an interesting style. Copious extracts from the Scriptures are introduced by way of illustration. Similar productions from the cognate and other literatures of the world are given a prominent place.

Sellin's 'Introduction to the Old Testament' (see *JQR.*, New Series, I, 550 f.) is made the subject of a vigorous onslaught by Cornill. According to Cornill, Sellin, though adhering to many critical results, is on the whole biased in favour of assigning to the literary productions of the Old Testament the earliest dates possible. The tendency is a pronounced apologetic one. Cornill takes it that the apologete's weapons are aimed at himself, the

author of a well-known Introduction which has gone through many editions. And so he proceeds to examine in detail some of the more important propositions of Sellin and to controvert them. It cannot be our province to enter into the details of this controversy. Suffice it to say that Cornill and Sellin represent two different points of view for the definitive disposition of which the joint labours of more than two men will be required. Sellin is the more modern. He believes in Gunkel and Gressmann. Cornill adheres to the literary criticism of the past generation. The future alone will decide who is the winner in this clash of opinions. Sellin, by the way, has answered Cornill in a brochure of his own, and, it must be owned, in a calmer and less personal tone. The student will do well to give them both a hearing. There is much to be learned from either.

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The Antiquity of Hebrew Writing and Literature or Problems in Pentateuchal Criticism. By ALVIN SYLVESTER ZERBE, Ph.D., D.D., Professor of Old Testament Criticism and Theology in the Central Theological Seminary, Dayton, Ohio. Cleveland : CENTRAL PUBLISHING HOUSE, 1911. pp. xxiv + 297.

The Deciding Voice of the Monuments in Biblical Criticism. By MELVIN GROVE KYLE, D.D., LL.D., Lecturer on Biblical Archaeology, Xenia Theological Seminary. Oberlin: BIBLIOTHECA SACRA COMPANY, 1912. pp. xvii+320.

Wiener (see *JQR.*, New Series, I, 561f.), Dahse, and Troelstra have this in common that they employ the weapons of the lower or textual criticism to defeat the higher. Thus Wiener disposes of the anachronism in Gen. 22. 14 ('in the mount where the Lord is seen'; this, of course, is the correct rendering, see Dillmann) by adopting the Septuagintal rendering: 'In the mount the Lord was seen' implying the pointing בָּהָר in the place of בְּהָר. But the Greek rendering is clearly harmonistic: comp. Targum and Rashbam. Nor can we follow Wiener when he prefers the reading of the Peshitta, 'the land of the Amorite' for 'the land of Moriah', 22. 2. Aquila, Symmachus, and Vulgate certainly read 'Moriah' which they translate with a view to ver. 14. Nor does the Septuagint with its 'high land' go back to a different text: with the same adjective מוֹרֶה is rendered Gen. 12. 6; Deut. 11. 30. Moreover, there is a play on 'Moriah' already in 12. 1 ('unto the land that I will shew thee אֶרֶץ'). To remove the doublet, Gen. 21. 1^a, on the authority of one lone Greek manuscript (n = 75 which is known for its contractions) is hazardous. This is one example of many. On the basis of omissions in certain manuscripts an element of the Hebrew text is pronounced a gloss. No one will deny that our Hebrew has been glossed nor that omissions were found in the original Septuagint which the recensions have filled up after the current Hebrew. But the investigation cannot be carried on *ambulando*. In order to reconstruct the three or more recensions of the Greek text an infinite amount of labour will be found to be requisite. Only when the recensions have been critically reconstructed and placed in juxtaposition will it be possible to say, This was missing in the original Septuagint. And even then a study will have to be made of the translator's mannerisms, not the least being his exercise of harmonistic exegesis. For a difficulty arising, as the critics believe, out of the welding together

of parallel and slightly contradictory accounts can be smoothed over by many a deft manipulation, notably by omissions. And this must be said with reference to the lists so studiously and thoroughly elaborated by Wiener and Dahse; grateful as the student must be for their painstaking labour, there is an element of isolation about them. Out of the multitude of criteria which serve to establish the divergence of the recensions and the attitude of the translator to his text only one or the other is selected. Until the lists have been brought into association with all the other criteria of textual differentiation we must reserve our judgement. Dahse discusses on pp. 11-13 the combination אֲרָנִי יְהוָה. I have made a study of the subject with a view to Joshua 7. 7. I have come to some conclusions and have also a few guesses. Thus I have been considering the possibility that in the original Septuagint the tetragrammaton was not translated at all but transcribed in Hebrew (as we know to have been the manner not only of Aquila but also of Symmachus). The subsequent scribes either substituted *κύριος* (the *kere*) or ignored the Hebrew altogether. Thus we may not be sure at all that an omission goes back to the original translator. To be sure, Origen supplied the omission; but that merely proves that the omission was found in the current manuscripts of the Septuagint, not necessarily that it dates from the translator's copy. In Joshua 7. 7 Origen indeed added a second *κύριε*. His text must have tallied with B which has *κύριε* only once. But that is still far from saying that the translator wrote $\overline{\kappa\epsilon}$ for our אֲרָנִי יְהוָה. I have left my study for the present uncompleted because I feel that the problem in Ezekiel, despite Cornill, requires a neat edition of the recensions. To say with Dahse that in Deut. 9. 26 the Greek presupposes a reading מֶלֶךְ is to mistake the paraphrastic character of the translation. *θεων*, by the way, is original; the next corruption was *εθων* which again led to *αιωνων* (= *εωνων*). Dahse, like Wiener, operates with glosses in the Hebrew. He has an interesting theory that what is called P is but the liturgical additions introduced by Ezra, who thus fitted the ancient text in a manner to be 'understood of the

people'. With that theory goes a conjecture concerning the division of the text into pericopes (*sedarim*). Troelstra intersperses his treatise on the name of God in the Pentateuch with instances of difficulties which may be got out of the way by recourse to textual criticism. Thus the anachronism in Exod. 19. 22, 24 (priests mentioned before their institution, Exod. 28) is disposed of by citing Aquila's rendering: elders. Troelstra (with whom Wiener coincides) would have us believe that Aquila read וְקִנִּים, which is the original of which כְּהֹנִים is a corruption due to scribal carelessness. It is safe to say that Aquila read כְּהֹנִים; for harmonistic purposes he gave the word the meaning of 'elder', just as the Talmud believes that the 'firstborn' are meant. But Troelstra paves the way for distrusting the correctness of the divine names in the Masoretic text, and thus for undermining the Astruc theory of composite redaction. So much Troelstra shares with Wiener upon whose lists he relies and now with Dahse. What is peculiar to him is his exegesis of Exod. 6. 2. Not the name Jahveh is new—for men had known of it since the days of Enosh—but new is the formula 'I am Jahveh'. For the first time in His relations with Israel does God make use of that formula. Whereas to the patriarchs God offered His Omnipotence (El Shaddai) as a pledge for the fulfilment of His promises, He now presents to the oppressed people His constant faithfulness as surety. It is not the question of a mere name: for then God should have said, I appeared unto Abraham, Isaac, and Jacob as *Elohim*. Jahveh is the antithesis to *El Shaddai*. Both are far from being proper names; they are appellatives with a significant meaning. It is true, we find the formula 'I am Jahveh' twice in Genesis (15. 7; 28. 13). In both cases, according to Troelstra, the Septuagint proves that the tetragrammaton written originally with one or two yods (י or יי) represents a dittogram of the closing yod of אֲנִי.

Wiener devotes several chapters to the subjects of Priests and Levites, the High Priest, and the Endowment of the Clergy. In the fourth part of his *Alttestamentliche Studien* (see *JQR.*, New Series, I, 554 ff.) Eerdmans submits the views of the

dominant school of criticism to a searching review concerning the composition of the Book of Leviticus. As is well known, the whole of Leviticus is assigned by the critics to the Priests' Code (P), specifically to an older source (H, the Law of Holiness, comprising chapters 17-26, but also stray matter in the rest of the book) written in the exile after Ezekiel's time, and to the more recent document (the groundwork of P) of post-exilic date with a number of supplements from the same school but of still later date. On the side of the history of the development of religious ideas, it is maintained that Deuteronomy was followed by Ezekiel, Ezekiel by the Law of Holiness, and the Law of Holiness by the Priests' Code. While here and there it is conceded that the compilers have incorporated many a description of the ritual as it was in vogue in pre-exilic times, on the whole it is averred that the priestly writer draws largely upon his own imagination, that he has in view not the past but the future, and that he theorizes on the past so as to bring it into accord with the practices of which he is an eyewitness. Eerdmans minutely analyses the whole of Leviticus on the literary and historical sides. He comes to the conclusion that no fresh document commences at chapter 17, and that the whole book is the work of one and the same hand. Only in chapters 8-10 and in a few pericopes of chapters 6 and 7 may be found traces of post-exilic literary activity. The rest is homogeneous and pre-exilic. Leviticus is anterior to Deuteronomy. Just as the Deuteronomic Code formed the basis of the Josianic reform, so was Leviticus the substratum of the reform under Hezekiah in the eighth century. The material is much older than the compiler who added here and there a few touches like the references to the Melech cult with a view to his own times. In this period of religious revival many old and almost forgotten laws, as those referring to the jubilee year and the ancient rules for the endowment of the clergy, were brought once more to the forefront. The author that penned the concluding speech 26. 3-46 had in mind the deportation of a portion of the population East of the Jordan (1 Chron. 5. 26) and of Northern Israel. Accord-

ingly, the altar of incense reflects the conditions in the Solomonic temple ; in fact, Eerdmans makes it plausible that the golden altar as little as the ark had a place in the post-exilic temple. The high-priesthood was a pre-exilic institution. The priests already in pre-exilic times claimed descent from Aaron. Wiener and Eerdmans have much in common so far as their main historical conclusions go, but Eerdmans pursues his investigation in a more calm and dignified tone. Whether his theories will commend themselves to scholars or not, no student of the Pentateuchal problem can pass by this latest contribution which is replete with sound exegetical and historical judgement, and abounds in parallel illustration from the whole range of the history of religion.

In order to vindicate the essentially Mosaic origin of the Pentateuch, Zerbe devotes the greater part of his work to a discussion of the rise and development of the Phoenician alphabet. The latter, it is reasoned on the basis of the evidence obtainable from epigraphy, must have reached its completed form as early as 1500 B. C. According to the author, the problem of the origin of the Pentateuch hinges, 'not on *a priori* and critical analysis of the contents (the method pursued alike by conservatives and radicals), but on the prior question of the language and script employed by the Hebrews in the Mosaic and pre-Davidic periods, or, more specifically, on the date of their adoption of the Phoenician alphabet'. The book is written with much learning and skill, but, we believe, the importance of internal evidence is not sufficiently estimated with reference to the problems of date and composition.

The bearings of archaeology on the critical questions are the subject of Professor Kyle's work. Driver and George Adam Smith come in for most of the criticism, and the fourteenth chapter of Genesis seems to stand in the foreground of the controversy. A renewed investigation of what archaeology has to say on the intricate questions of criticism would indeed be timely. But then a minute discussion of points of detail with references to the sources would be in place. Instead, the author

appears to have rather had in mind the general question about which of course there can be no difference of opinion among all seekers after truth. The reader interested in the subject is likely to learn more from Kittel's work, referred to above, where the material is placed at our disposal in a judicious and lucid manner.

A History of Civilization in Palestine. By R. A. S. MACALISTER, M.A., F.S.A. Cambridge: at the UNIVERSITY PRESS, 1912. pp. viii + 139.

Mountains of the Bible. By J. J. SUMMERBELL. Boston: SHERMAN, FRENCH & COMPANY, 1912. pp. vii + 86.

Life and Times of the Patriarchs, Abraham, Isaac, and Jacob. Being a supplement to 'The Land and the Book'. By WILLIAM HANNA THOMSON, M.D., LL.D. With illustrations furnished by the author. New York: FUNK & WAGNALLS COMPANY, 1912. pp. 285.

Die jüdischen Exulanten in Babylonien. Von ERICH KLAMROTH, Lic. Theol. Leipzig: J. C. HINRICHS, 1912. pp. v + 107.

While the war is raging about the verdict of archaeology on criticism, we are eager to listen to one who has himself been on the spot and done the actual digging. But the excavator of Gezer (Professor Macalister) in the booklet before us sets out to narrate the successive civilizations of Palestine from the prehistoric man down to the Young Turks. Fascinating as this narrative is and showing as it does the hand of a master archaeologist, it is built up to a large extent upon the results of literary criticism and rests upon theories which to say the least are debatable. In materialistic civilization, the arts and the crafts, Palestine is pronounced a perpetual borrower; even the so-called Phoenician alphabet came from Crete. The religion of Israel develops from polydaemonism to henotheism and thence to monotheism. But the process is a miracle pure and simple considering the inferiority of the race in works of civilization.

The Siloam tunnelling was a poor piece of work compared with the Gezer tunnel antedating the arrival of the Hebrews. The writer's objection to the Jewish re-peopling of Palestine (p. 93) should be taken as a personal opinion. The subject does not come within the province of archaeology.

Mr. Summerbell offers himself as a guide on a trip to the mountains of the Bible. His descriptions into which the history and momentous happenings are woven with skill rest on the study of books and maps rather than on personal observation.

'The Land and the Book' by the late Rev. William Thomson is a well-known book. His son relates in an additional volume his personal experiences while travelling with his father; by means of them he endeavours to shed light on the past history of the patriarchs.

Klamroth's monograph on the Jewish exiles in Babylonia is a praiseworthy effort to put together the scanty data bearing upon the political and economic condition of the expatriated Jews representing the material basis for the spiritual evolution in religion and morals. The monuments offer but meagre references to the facts claiming the investigator's interest; but indirectly they are of great service, and analogy steps in where direct evidence is wanting. The aim of deporting entire national bodies the author finds to have been none other than a measure dictated by imperial prudence for the levelling of national distinctions and the creation of a homogeneous citizenry out of the mass of warring nationalities and races. Klamroth has a theory of his own according to which the first deportation (the one which preceded the final deportation in 586) was effected in two stages; but even the final deportation was followed by another in 582. It was a political blunder on the part of the Babylonian king, it is maintained in agreement with Winckler, that he failed to throw into the wellnigh deserted land of Judah a foreign body of people from some quarter of the empire. Thus the Jews settled in Babylonia kept up a longing for the old homeland; it was that that warded off the fate that had befallen the Israelitish exiles who, having given up all hope of re-nationaliza-

tion, lost themselves completely in their new environment. The Jewish exiles were settled in country districts. They were scattered so as to form isolated communities—a process which was to facilitate their national destruction. Their lot was an unenviable one; they were by no means ‘free citizens in a free land’. They were subject to all sorts of imposts. Nor was their communal autonomy regulated by law. If it existed, it was an internal matter. The ‘college of elders’ may have maintained itself in the Golah, but it had no jurisdiction granted to it by the state. The economic conditions were of the poorest sort, though naturally in the course of time some individuals rose to affluence. Slowly but inevitably the process of assimilation in language (the Aramaic) and manners was enacted. Some stripped off all vestiges of Jewish nationality and became merged with their neighbours. Others at least outwardly (in the assumption of Babylonian names) imitated the population by which they were surrounded. The nation was dead; at best there was room for a religious community which rose on the grave of the nation (Wellhausen). Prophets and leaders arose to sustain the courage of the exiles when the empire was nearing its collapse, and a new conqueror was preparing for mastery over Babylon. The synagogue was a creation of the exile. In it the scribes and teachers exhorted and taught the people. Withal the process of religious regeneration and communal organization remains obscure and the ‘rise of Judaism’ still unexplained.

The Scholastic View of Biblical Inspiration. (Reprinted from the *Irish Theological Quarterly*, July, 1911.) By HUGH POPE, O.P., S.T.M., Prof. of New Testament Exegesis in the Collegio Angelico, Rome. Rome: RICCARDO GARRONI, 1912. pp. 52.

The Ethics of the Old Testament. By HINCKLEY G. MITCHELL, Professor of Hebrew and Old Testament Exegesis in Tufts College. (*Handbooks of Ethics and Religion.* Edited by SHAILER MATHEWS.) Chicago: The UNIVERSITY OF CHICAGO PRESS, 1912. pp. x+417.

Bibel und Naturwissenschaft. Gedanken und Bekenntnisse eines Naturforschers. Von Professor Dr. phil. E. DENNERT. Halle a. S.: RICHARD MÜHLMANN, 1911. pp. lxi + 321.

Mose und die ägyptische Mythologie. Nebst einem Anhang über Simson. Von Dr. DANIEL VÖLTER, Professor der Theologie in Amsterdam. Leiden: E. J. BRILL, 1912. pp. 59.

Mose und seine Zeit. Ein Kommentar zu den Mose-Sagen. Von HUGO GRESSMANN, a.-o. Professor der Theologie an der Universität zu Berlin. Mit einer Doppelkarte von Palästina und der Sinai-Halbinsel. Göttingen: VANDENHOECK & RUPRECHT, 1913. pp. viii + 485.

The scholastic, that is, Thomistic, view of biblical inspiration consists according to Pope in a divine illumination which enables the recipient to pass judgement, authoritative judgement, upon matters received either naturally or supernaturally. If received supernaturally, then we are dealing with the prophecy of the highest order. Supernatural facts are necessarily revealed. But an inspired biblical author may deal with matter not necessarily revealed. The authority then attaches to the judgements pronounced upon them. The author of the judgement is God; man's is only instrumental authorship.

Professor Mitchell's 'Ethics of the Old Testament' proceeds along the lines of the critical analysis and dating of the biblical literature, and in a chronological framework outlines in each given author or document the contribution to ethics. It might have been advisable in a summary at the end of the book to put together the total content of ethical teaching in the Bible.

Professor Dennert is a believing Christian of the orthodox type. But he speaks as a student of science. His general discussion of the nature of scientific hypothesis which has its counterpart in what is called a dogma in the realm of theology or religion, as well as his specific treatment of the supposed conflicts between science and religion, are recommended to the closest attention on the part of all such as are perplexed by the weighty problems under discussion.

In his treatise on Moses and Egyptian mythology Professor Völter defends against Erman his previously published theory (see *JQR.*, New Series, I, 569) that Moses and Samson represent humanized deities whose originals may be found in Egyptian mythology. Moses is Thot and Samson is Ra.

Gressmann's volume on Moses and his times makes fascinating reading, no matter what one may think of his method or his conclusions. As is becoming a pupil of Gunkel's, the method is that of comparative literature (*literargeschichtlich*) grafted upon the older method of literary criticism (*literarkritisch*). The analysis into J and E and P inherited from the Wellhausen school maintains its force throughout; but in addition the original legends both in their isolation and in their concatenation to legend clusters, long antedating in oral transmission the literary documents, are submitted to a penetrating analysis which takes its cues from diversity of artistic form (*Stil*). Intrinsic merits decide the antiquity of a legend; sometimes J and sometimes E may have retained the more archaic form. The oldest literary form of the legend was poetic. But few remnants are extant. A real epic in poetry embracing a long period never existed. There were songs given to definite episodes. Some were given to the celebration of heroes, some were descriptive; there were songs of victory and hymns to the Deity. While none of the poems extant may be ascribed to Moses, a few may be assigned to Mosaic times. So the song of the well (Num. 21. 17 f.), the song of Miriam (Exod. 15. 21), the song of the ark conceived as an empty throne (Num. 10. 35 ff.), the song of the standard (Exod. 17. 16 with נס for כס), Aaron's blessing (Num. 6. 24-6), which in its tripartite form has its analogy in Babylonian invocations of divine triads. As for the prose legends which predominate, the bulk is of Israelitish origin, though some betray Egyptian and Midianite antecedents. The historical results both of the secular (*profangeschichtlich*) and religious (*religionsgeschichtlich*) sort are summed up with great skill at the end of the volume. The Habiru represent the first tremendous wave of Aramaic migration in Canaan. They are the Hebrews, and their advent

in Palestine dates from the year 1400 B. C. A second and milder wave of Arameans ('a wandering Aramean was my father') overspread specifically the south of the country a century later. They were domiciled as semi-nomads in the Negeb and the desert of Judah. From thence they drifted into Goshen. The sojourn in Egypt lasted about half a century, and the exodus took place about 1260. The Red Sea was crossed at the gulf of Akaba, and Sinai, a volcanic mountain, is to be sought in Midian on the road from Edom to Arabia. At Kadesh Moses instituted the worship of Jahveh, a volcanic deity borrowed from the Midianites. Jethro was Moses' teacher. The passage through the Red Sea was accompanied by a volcanic manifestation which won over the people, hitherto given to a polytheistic worship of various Elim, to the service of Jahveh. The ground for monotheism was laid, though at first it was in the form of monolatry. The J Decalogue of Exod. 20 is after all the older and is, moreover, of Mosaic origin. It fits in well with the Mosaic religion. The inculcation of monolatry, the prohibition of images and of the magic misuse of the name of God, the institution of the sabbath—all are a creation of the man who led the people out of Egypt and won them for the new God who from a local Midianite deity became the God of Israel. The religion of Israel is the work of Moses. Moses and the prophets—that is indeed the true order, not the reverse.

Hebräische Grammatik. Von ARTHUR UNGNAD, Dr. phil., Professor der orientalischen Philologie an der Universität Jena. (*Hilfsbücher für den hebräischen Unterricht.* Band I.) Tübingen: J. C. B. MOHR, 1912. pp. xii + 201.

Praktische Einführung in die hebräische Lektüre des Alten Testaments. Von ARTHUR UNGNAD. Tübingen: J. C. B. MOHR, 1912. pp. iv + 63.

The Principles of Hebrew Grammar. With examples and exercises for the use of students. By the Rev. D. TYSSIL EVANS, M.A., B.Sc., Lecturer in Semitic Languages at the

University College of South Wales and Monmouthshire, Cardiff. Part I. Signs and Sounds. Words and their Inflections. London: LUZAC & Co., 1912. pp. xvi + 382 + 120*.

Florilegium Hebraicum. Locos selectos librorum Veteris Testamenti in usum scholarum et disciplinae domesticae adiuncta appendice quinquepartita edidit Dr. HUB. LINDEMANN, Professor in Gymnasio Trium Regum Coloniensi. Friburgi Brisgoviae: B. HERDER, MCMXII. pp. xii + 215.

The Book of Ruth. A literal translation from the Hebrew. With full grammatical notes and vocabularies. By R. H. J. STEUART, S.J. London: DAVID NUTT, 1912. pp. vii + 108.

The Formation of the Alphabet. By W. M. FLINDERS PETRIE. London: MACMILLAN & Co., 1912. pp. iv + 20 + plates IX.

A Research into the Origin of the Third Personal Pronoun Epicene in the Pentateuch and its Connexion with Semitic and Indo-European Languages. A contribution to philological science. By J. IVERACH MUNRO, M.A. London: HENRY FROWDE, 1912. pp. 32.

De poesi Hebraeorum in Veteri Testamento conservata. In usum scholarum. Auctore V. ZAPLETAL, O.P. Editio altera, emendata. Friburgi Helvetiorum: sumptibus BIBLIOPOLAE UNIVERSITATIS (O. GSCHWEND), 1912. pp. 46.

The Early Poetry of Israel in its Physical and Social Origins. By GEORGE ADAM SMITH, D.D., LL.D., Litt.D. (The Schweich Lectures. 1910.) London: HENRY FROWDE, 1912. pp. xi + 102.

The Poets of the Old Testament. By ALEX. R. GORDON, D.Litt., D.D., Professor of Old Testament Literature, Presbyterian College, Montreal. New York: HODDER & STOUGHTON, 1912. pp. xiii + 368.

Wurzelforschungen zu den hebräischen Synonymen der Ruhe.

Von Dr. JULIUS COHEN. Berlin: M. POPPELAUER, 1912.

pp. vii + 85.

Ungnad's *Hebrew Grammar* is intermediate between the small manual in which the rules are set forth with a mechanical dryness and the large grammar which overwhelms the student by its fullness of material. Moreover, the author believes that even the comprehensive text-books fail to come up to the requirements of the present state of comparative Semitic grammar. Accordingly, what is aimed at is a delineation of the principal factors in the structure of the Hebrew language and the subsumption of the linguistic phenomena under the heads of either phonetic law or analogy. While the comparative method is employed throughout, it is not obtruded upon the student by requiring him to go through paradigms or forms of the cognate languages. It may be doubted whether Ungnad's expectation that his work will be used by learners who are forced to dispense with the aid of a teacher will be realized. With a competent teacher to guide, any of the existing text-books may be placed into the student's hands. Ungnad's work will naturally recommend itself on two sides: the underlying comparative basis which is up to date, and the numerous paradigms which occupy a prominent place in the body of the book. The latter feature is highly praiseworthy, though it is not lacking in other text-books of moderate size. As for the comparative theories, much newer doctrine finds a place, but as debate is excluded there is also a good deal of questionable matter about which scholars will naturally differ. The parallel and shorter work which is throughout accompanied by references to the larger Grammar is intended for beginners. The method is inductive. The student begins immediately to read connected texts. They consist of a number of Psalms and of portions from the early chapters of Genesis. The author concedes that other texts may be chosen by other teachers. It seems to me that it is possible to select texts which illustrate the best and easiest prose writing which are moreover graded. Every one will agree with the author that the student

ought to be trained right from the start to consult a standard dictionary.—Steuart has selected the short book of Ruth as an inductive introduction to the study of Hebrew Grammar. There is decidedly a merit even for a beginner to become thus acquainted with one whole book of the Scriptures.—More serviceable ought to prove Lindemann's *Florilegium*. The texts are numerous, representing many varieties of style. While the arrangement follows the order of the Bible, there is no reason why the teacher may not vary the order to suit his own method. The choice of a grammar—or of no grammar—is left open. In an appendix we find several unpointed texts which can be used for the purpose of testing the student's mastery of the *nikkud*; then specimens from the Hebrew Ben Sira, on the whole correctly edited and vocalized (write, however, **וּמְבוֹכָה** for **וּמְבוֹכָה**, **בְּנִים** for **בְּנִים**, **מְחִים** for **מְחִים**, **וְלִירָר** for **וְלִירָר**), the Siloam inscription in the original script and in square transliteration, a specimen text of superlinear vocalization together with a table (it is a pity that a specimen was not given of the 'third' system), and lastly a Jüdisch-Deutsch text in cursive.

Mr. Evans's *Principles of Hebrew Grammar* is a pretentious volume intended for students in intermediate stages; it stands midway between Davidson and Kautzsch-Cowley. The author shows familiarity with the problems of Hebrew grammar; the rules are presented with a degree of fullness and with clearness; ample exercises (Hebrew-English and English-Hebrew) are subjoined. The hand of the experienced teacher may be seen throughout the volume. Like Ungnad, the author intersperses the morphological part with many syntactical observations, though a separate volume on the syntax is promised in the near future.

The question as to the origin of 'our' alphabet (the Phoenician and Greek with their ramifications) is an old one. On the basis of finds in ancient Egypt belonging to times antedating the hieroglyphs (pictorial writing), and of a renewed study of the Iberian and Karian systems of writing, Professor Flinders Petrie advances the theory that pictorial writing was preceded by a

system of signs with a conventionalized meaning, and that out of this primitive signary arose the alphabet. Whereas the deviations from the assumed Phoenician prototype have hitherto been explained as due to enlargement and corruption, it is now assumed that 'a gradually formed signary, spread by traffic far and wide, was slowly contracted and systematized until it was reduced to a fixed alphabet'. It thus happens that many of the original signs which were excised in the Phoenician alphabet were retained in this or the other corner. A very interesting theory, in part premised by older investigators, is developed concerning the primitive arrangement of the alphabet, and the home of this arrangement is located in Northern Syria.

In order to explain the form הוּא used in the Pentateuch both for the masculine and the feminine, Mr. Munro constructs a primitive feminine of the third person singular *hiwa*, which itself goes back to *haiwa*, and still more primitively to *haiwathum*. The root is הוּא and the *ai* is the characteristic vowel of the passive, just as *au* is said to have been the characteristic vowel of the active. 'Piel and Hiphil were originally passives in *ai*.' I fear that the theories of the author will hardly meet with acceptance; much less is his method to be recommended. Whatever may be the true answer to the problem of the relationship of the Indo-European and Semitic languages, the author will have to adopt a sounder method in his future treatises of which the present is 'a small instalment'. As a contribution to philological science it can only serve to discredit a science which is ministered to by efforts like the present. As a curiosity it may pass, but hardly as a specimen of what English scholarship has to say on comparative grammar.

Zapletal's treatise on Hebrew poetry deals in succinct language and by well chosen examples with the uses to which poetry was put among the ancient Hebrews, the metrical laws, the forms of the metre, the strophic structure, and other artifices of poetry (rhyme, acrostic, refrain, alliteration, paronomasia, onomatopoeia). With Sievers and others it is assumed that the final vowel of the masculine suffix of the second person was not sounded, see

JBL., XXX (1911), 43, note 57. But אִיִּשׁ is clearly impossible. Read 'aḥaik ('aḥalik).

By *Early Poetry of Israel* Principal George Adam Smith means 'all pieces which are generally and reasonably—though not always conclusively—assigned to the centuries before the eighth century B. C.', that is pretty nearly all of the poems or poetic fragments incorporated in the historical books of the Bible (Genesis—Kings). *Physical origins* denote the formal side of that poetry, language, structure, and rhythms. What Zapletal has condensed in a few paragraphs is here, owing to the exigencies of a popular audience (the book reproduces in a somewhat amplified form the Schweich Lectures for 1910), set forth in detail and with copious illustration, and the whole subject is handled with a mastery which makes the reading of the Lecture which treats of the externals of Hebrew Poetry a pleasure. It may be observed that Smith speaks of rhythms rather than of metres. But the bulk of the book is given to a delineation of the social conditions as revealed in Early Hebrew Poetry. Here the author brings to his subject a preparation resulting from his own personal acquaintance with the East, which in the past has yielded the two great geographical (topographical) works for which the author is rightly famed. There is one interesting point which cannot fail to arrest the reader's attention. Much as the Hebrew Scriptures have entered into the very life of the Englishman and particularly the Scotchman, they are nevertheless felt as something foreign, foreign in language, foreign in structure, and foreign in the social conditions which they betray. The Hebrew genius is of the East, and the East is not the West. Perhaps the main feature of the work lies just in this that the veil is lifted from the Hebrew Scriptures and that they are made to appear as they were in their strange Eastern historical setting. The justification of the point of view cannot be disputed, but it is a symptom which gives food for thought.

Prof. Gordon's work on *The Poets of the Old Testament* has many points of contact with Principal Smith's Lectures. It is interesting to observe how much the two scholars working inde-

pendently make of the sound effect of certain consonants, though Gordon is less severe on the Semitic 'gutturals'. 'The musical quality of Hebrew may be appreciated even by the Western student who listens sympathetically to the rendering of the Sabbath service in the Synagogues, especially of the Spanish Jews.' Gordon's book is naturally more comprehensive, dealing with the whole range of Old Testament poetry. While the prophetic lyric is excluded, Ecclesiastes is included, probably because it was desirable to complete the picture of Hebrew Wisdom. Gordon is interested not only in the formal side of the poetry of the Old Testament; he devotes considerable space to the thoughts or problems with which the Psalms or the Book of Job deals. But withal the author has an eye to the artistic and poetic in these great literary productions.

Cohen's study of the Hebrew synonyms denoting 'rest' was concluded as far ago as 1899. It is presented practically as it was then written, with additions introduced by N. B. As a contribution to the study of synonyms the monograph is valuable, but the root theory with which the author operates will hardly recommend itself as trustworthy, especially with a view to the semantic results to which it leads.

Randglossen zur hebräischen Bibel. Textkritisches, Sprachliches und Sachliches. Von ARNOLD B. EHRLICH. Leipzig: J. C. HINRICHS. IV. Jesaia, Jeremia, 1912. pp. 374. V. Ezechiel und die kleinen Propheten, 1912. pp. 363.

Die Heilige Schrift des Alten Testaments. In Verbindung mit . . . übersetzt und herausgegeben von E. KAUTZSCH. Dritte Auflage. Register. Bearbeitet von Professor D. H. HOLZINGER. Tübingen: J. C. B. MOHR, 1912. pp. iv + 143.

Ehrlich's monumental exegetical work of which the first three volumes were noticed previously (*JQR.*, New Series, I, 577) has now advanced in the order of the Hebrew Bible as far as the Minor Prophets. Author and publisher are to be congratulated on the speed with which the volumes follow each other. We

hope to review the work at length when the last volume shall have appeared.—To Kautzsch's Bible work (see *ibid.*) Professor Holzinger has contributed in a separate volume an Index which will prove very useful and cannot but enhance the value of the third edition.

לֹא תִבְשֹׁל גֵּרִי בַחֲלָב אָמַר (Exod. 23. 19; 24. 26; Deut. 14. 21).
L'erreur de traduction prouvée par le mot בִּשַׁל. Suite d' 'Une
 erreur de traduction dans la Bible'. Par S. FERARÈS.
 (Extrait de la *Revue Linguistique*, 1912.) Paris: DURLACHER,
 1912. pp. 39.

Deuteronomy, its Place in Revelation. By A. H. McNEILE, D.D.,
 Fellow and Dean of Sidney Sussex College, Cambridge.
 London: LONGMANS, GREEN & Co., 1912. pp. ix + 136.

M. Ferarès contributes a sequel to a previous paper duly noticed in this REVIEW (New Series, III, 136). In the present study the author deals with the verb בִּשַׁל, for which he vindicates the meanings 'boil', 'roast', 'cook', 'prepare'. In Exod. 23. 19 and parallels the verb is to be rendered 'prepare'. The linguistic exposition is by no means free from inaccuracies. But the chief objection remains that if the law refers to 'a kid while it is suckling', some such verb as לֹא תִחַבֵּחַ or לֹא תִשְׁחַח would have been more to the point. As we are dealing with a linguistic study, the second part treating of the presumable motive of the prohibition of בִּשַׁל בַּחֲלָב is irrelevant.

McNeile's volume on the place of Deuteronomy in revelation, to which Professor Driver has written a preface, is in the main a defence of the critical position against the attacks of the Rev. J. S. Griffith in a volume entitled *The Problem of Deuteronomy* (1911).

The Book of Judges. By EDWARD LEWIS CURTIS, Ph.D., D.D.,
 late Professor of the Hebrew Language and Literature,
 Yale University. (*The Bible for Home and School.*) New
 York: The MACMILLAN COMPANY, 1913. pp. 201.

The First Book of Samuel. The Revised Version. Edited with introduction and notes. By W. O. E. OESTERLEY, D.D., Jesus College, Cambridge. Cambridge: at the UNIVERSITY PRESS, 1913. pp. xii+158.

Both volumes are models of succinctness on the basis of sound learning. Prof. Curtis's posthumous work was completed by Dr. Albert A. Madsen, his collaborator in the volume on Chronicles in the *International Critical Commentary*.

Der alttestamentliche Prophetismus. Drei Studien. Von D. ERNST SELLIN. Leipzig: A. DEICHERT, 1912. pp. viii+252.

Notes on the Hebrew Prophets. Compiled by G. WYNNE-EDWARDS, Assistant Mistress, St. Leonards School, St. Andrews, and K. H. McCUTCHEON, B.A., Certificated Student, Girton College, Cambridge, late Assistant Mistress, St. Leonards School, St. Andrews. Oxford: CLARENDON PRESS, 1912. pp. 128.

The History of the Prophets of Israel. By ELEANOR D. WOOD. With Introduction by TOM BRYAN, M.A. London: HEADLEY BROTHERS. (*The Adult School Study Series*, No. 1.) pp. 225.

The Hebrew Prophets for English Readers. In the language of the Revised Version of the English Bible, printed in their poetical form, with headings and brief annotation. By FRANCIS H. WOODS, B.D., and FRANCIS EP. POWELL, M.A. Volume IV. Haggai, Zechariah, Malachi, Joel, Deutero-Zechariah, Jonah, and Daniel. Oxford: CLARENDON PRESS, 1912. pp. xv+264.

Die Konstanz-Weingartener Propheten-Fragmente. In phototypischer Reproduktion. Einleitung von PAUL LEHMANN. Leiden: A. W. SIJTHOFF, 1912. pp. xii+plates 79.

The Book of Isaiah. I-XXXIX by GEORGE BUCHANAN GRAY, D.D., D.Litt., Professor of Hebrew and Old Testament Exegesis in Mansfield College, Oxford; XL-LXVI by

ARTHUR S. PEAKE, D.D., Rylands Professor of Biblical Exegesis in the University of Manchester. In two volumes. Vol. I. Introduction and commentary on I-XXVII. (*The International Critical Commentary.*) New York: CHARLES SCRIBNER'S SONS, 1912. pp. ci + 472.

The Mines of Isaiah Re-explored. By the Rev. T. K. CHEYNE, D.Litt., &c. London: ADAM & CHARLES BLACK, 1912. pp. x + 199.

The Veil of Hebrew History. A further attempt to lift it. By the Rev. T. K. CHEYNE, D.Litt. London: ADAM & CHARLES BLACK, 1913. pp. xiii + 161.

The First Twelve Chapters of Isaiah. A new translation and commentary. By the Rev. GEORGE S. HITCHCOCK, D.D., Doctor of Sacred Scripture, Rome. London: BURNS & OATES, 1912. pp. ix + 210.

Das Buch Jona. Nach dem Urtext übersetzt und erklärt. Von Dr. JOHANNES DÖLLER, ord. Professor an der k. k. Universität in Wien. Wien: CARL FROMME, 1912. pp. viii + 112.

The Twelve Prophets. A version in the various poetical measures of the original writings. By BERNHARD DUHM, D.D., Professor of Old Testament Theology in the University of Basle, Switzerland. Authorized translation by Dr. ARCHIBALD DUFF, Professor of Old Testament Theology in the United College, Bradford. London: ADAM and CHARLES BLACK, 1912. pp. viii + 263.

Sellin's tripartite volume on Old Testament Prophecy is a constructive work in which the methods and results of the modern comparative study of religion are made fruitful for a conservative estimate of the religion of the Bible. All three parts were delivered in the form of lectures before popular audiences in 1909-10, the first in the house of Frau Reichskanzler von Bethmann-Hollweg. While the lectures even in their amplified

form are meant for lay readers, the theologian and professional student will find much to learn from the author as he delineates his own point of view in matters which are in the forefront of present-day discussion. We are made to see the unfoldment of a progressive revelation through the various stages of Old Testament prophecy. The main contributions of the individual prophets are set forth clearly. What is new is the assertion that even in its older forms prophecy is an indigenous product of the Israelite mind and not imported from without. Over against Gressmann, whose work on the origins of Israelitish-Jewish eschatology is commended to serious thinkers, Sellin, though he adopts many of the theories propounded by Gressmann, emphasizes the independent character of the biblical eschatology which, despite many traits which it has in common with Oriental conceptions, rests ultimately on divine revelation communicated to Israel alone. Thus the most important question concerning the character of the biblical revelation is answered positively: the Old Testament revelation stands unique and above comparison with the parallel phenomena in Egypt, Babylonia, or elsewhere.

Two popular text-books for use in secondary schools, the one published in America the other in England, deal with the Old Testament prophets arranged chronologically. The English volume is more succinct. Both will prove useful for the intermediate pupil's range of intelligence.

Of the *Hebrew Prophets for English Readers* begun in 1909 (see *JQR.*, New Series, I, 578; III, 139) the concluding fourth volume has now appeared. The excellent standard has been maintained throughout.

A beautiful uncial manuscript of the Old Latin (*Itala*) containing the Prophets and written in the fifth century, presumably in Upper Italy, with glosses by a hand of the sixth century, was cut up into leaves or smaller pieces in the fourteenth century at the Library of the Constance Cathedral, where they were employed for the binding of twenty-five manuscripts, which then wandered into five German libraries. The remains, covering a meagre tenth of the original codex, have been skilfully removed

and edited by Ranke, Vogel, Corssen, Lehmann, and Scherer. The present publication in splendid phototypic reproduction is part of the well-known series got up by Sijthoff in Leiden. In addition to the material previously edited there is a strip hitherto unpublished. It would be a meritorious piece of work to re-edit the fragments so inconveniently scattered in some six publications, in one volume.

The volume on Isaiah in the International Critical Commentary was originally assigned to Dr. A. B. Davidson. After his death it was given over to the two scholars whose names appear on the title-page of the first part comprising chapters 1-27 now out. Professor G. B. Gray, who is the author of the commentary on Numbers in the same series, will complete the first thirty-nine chapters, the remainder to be done by Professor Peake. An elaborate introduction to the whole book (a special introduction to chapters 40-66 will appear in the second part) deals with all the intricate questions of composition, date, text, history of exegesis. The commentator on Isaiah cannot complain of a dearth of old and recent literature. While Isaiah, in the language of Zwingli, chose for himself the worst possible translator 'among the Seventy', he can boast of a stately array of the very best expositors. We need only mention Vitringa, Gesenius, Luzzatto, Dillmann-Kittel, Duhm, Cheyne, Marti. Professor Gray is quite right that a selection of the exegetical material becomes imperative. And Gray's mastery of the subject shows itself in this very selection with which goes a goodly portion of original contribution. As one glances at a page here and there he is filled with admiration for the painstaking manner in which the commentator has handled a vast literature. Nothing helpful has escaped his attention. And while we may at times differ with him in his conclusions, the exegetical data will be found to be there. The editors may be congratulated on this latest volume of a series which is indispensable to English-reading students, and which in a great number of its parts is commanding the respect of scholars abroad.

That there are still mines in Isaiah to be explored no one will

gainsay. And that the explorer should be a man who in the past century was among them that delved deep into the shaft will be readily understood. But the Cheyne of the twentieth century is quite a different man from the Cheyne of the nineteenth. The beginnings of the present obsession were discernible even then. With methods of textual criticism, which to say the least are of the most subjective order, and a theory of North Arabian civilization and religion profoundly influencing the sacred writers to which the 'reconstructed' texts are made to minister, it is not a question of two or three or five Isaiahs, but of new Isaiahs born of imagination pure and simple. The student who learned to spell out the meaning of the great prophet from the earlier works of Cheyne, the older Commentary and even the later Text and Translation in Haupt's Bible, will on approaching his latest works have no need of consulting the traditional or the emended text; he will require no text at all, for the quotations in Cheyne are from a text of his own of which the recurring ingredients are Yerahmeel and Kashram and Ramshah and other such-like names of places and deities hitherto undreamt of. The net result proceeding from the new exploration of the Later Isaiahs is that the liberator of the Jews was not the Persian king Cyrus, but a successful North Arabian adventurer, and, on the side of religion, that the Jews 'were what may be called Monarchical Polytheists, and worshipped a small divine company under a supreme director'. While the parallel volume deals with pre-exilic times it may be fittingly mentioned in this connexion as it presents the same point of view. There is a pathetic note at the close as the author looks forward to some younger scholar undertaking the task which will probably soon fall from Cheyne's own hands.

A younger scholar, a Catholic, in presenting a fresh translation and exposition of the first twelve chapters of Isaiah, acknowledges his indebtedness to Cheyne who 'has done much to open a new era in Hebrew learning, not only by his constant labour in that field, but also by communicating his own enthusiasm to others'. But it is the older (or shall we say younger?) Cheyne whom he

has in mind, and even then he is constrained to differ from him, albeit in honesty of purpose. The translation is woven into the running commentary which is replete with historical information, and bears witness to a maturity of exegetical judgement. The whole, free from the technicalities of the ordinary commentary, makes the study of the prophet a pleasant task.

Another Catholic scholar has devoted a monograph to the book of Jonah. The Hebrew text is printed in such a manner as to indicate elements requiring emendation or glosses, and is accompanied by a translation. At the foot of both is a minute commentary which does not overlook the needs of the beginner. An introduction covering half of the volume discusses all the critical questions. In § 10 no less than 241 titles of works directly or indirectly relating to Jonah are enumerated.

Duhm's translation of the Minor Prophets in the metres of the original has been made accessible to English readers by Prof. Duff. The books are arranged chronologically. Jonah, the last, is said to have been written 130 B.C. Supplementers have been at work within the various books. They freely operated with the oracles of the pre-exilic prophets upon whom they looked as preachers of Apocalypse. Hence no single prophetic writing exists in its original form. Indeed, more than once we find that what was originally not at all the work of Prophets has been thoroughly altered by this supplementing process, and has come to be regarded as prophecy. So when there did arise again a genuine revelation in Israel, the scribes and scholars were for the most part quite unable to recognize it as real prophecy; and they became the most bitter opponents of the Prophet of Nazareth. And yet, nevertheless, we have these men to thank for the preservation of the old prophetic literature. The translation is accompanied by short explanatory notes culled from Duhm's 'Notes on the Twelve Prophets', published in *ZAW.*, 1911.

The Psalms. Translated from the Latin Vulgate, and with the other translations diligently compared, being a revised and corrected edition of the Douay Version. By FRANCIS PATRICK KENRICK, late Archbishop of Baltimore. Published with the approbation of His Eminence JAMES CARDINAL GIBBONS, Archbishop of Baltimore. Baltimore: JOHN MURPHY COMPANY. pp. 296.

Erläuterungen zu dunkeln Stellen im Buche Hiob. Von GEORG RICHTER, Pfarrer in Gollantsch. Leipzig: J. C. HINRICHS, 1912. pp. iv + 82.

Das Buch Qoheleth. Ein Beitrag zur Geschichte des Sadduzäismus. Kritisch untersucht, übersetzt und erklärt von Dr. LUDWIG LEVY, Rabbiner in Brünn. Leipzig: J. C. HINRICHS, 1912. pp. iv + 152.

De theologie van Kronieken. Academisch proefschrift. Door JELTE SWART. Groningen: GEBROEDERS HOITSEMA, 1911. pp. viii + 104.

The translation of the Psalms incorporated in the Vulgate represents Jerome's second revision of an older Latin version made from the Septuagint, and is generally used in the liturgy of the Catholic Church, a former revision by the same Father being still employed in the basilica of St. Peter. Jerome also made an independent translation straight from the Hebrew original; but it has not gained canonicity. Upon the Vulgate rests the English translation known by the name of Douay, 'from the place where it was prepared by learned and holy priests, exiles from England on account of their religion'. Its fault, due to the necessity of vindicating the Catholic truth against the innovations of the Reformers, is its slavish adherence to the Latin. It is quite natural that enlightened Catholics of modern times should seek to improve its style by borrowing, if needs be, from the Anglican Version of 1611. The author of the present revision of the Douay Psalter, the predecessor of Cardinal Gibbons in the archbishopric of Baltimore, concedes

that the translators of the King James Version deserve praise in what regards beauty and force of language. 'I take this opportunity of acknowledging that I have freely borrowed from them whenever I conceived that their diction was purer and more felicitous than that of the Douay translators, and adapted to express the meaning of the Vulgate. It is important that all should understand that our opposition to their version does not arise from any prejudice against its literary merit, much less against the diffusion of the Scriptures, but merely from a disapproval of the spirit in which it was conceived and executed, of which the traces are here and there discoverable by the attentive observer.' It cannot be gainsaid that there is truth in the contention that the King James Version shows traces of a Protestant bias which of course was directed against Romanism. From a Jewish point of view it may perhaps be said that while we must welcome the return of the Anglican Version to the Hebrew text as preserved by the Synagogue with which went the incorporation of the best Jewish exegesis as summed up by Kimhi, there remained nevertheless a residue of reminiscences from the earlier English versions directly dependent upon the Vulgate. The Church of Rome is bound by the decrees of the Tridentine Council to regard the Vulgate as authoritative, which, however, does not preclude a zealous study of the Hebrew original. But the comparison of the Hebrew serves learned purposes and in a certain sense eases the conscience, just as the references to the ancient versions on the margin of the Revised Version indicate that the Hebrew text may be inferior. In the case of the Psalter, which on the whole was rendered by the Greek translator with skill, the reader will find himself at no great distance from the original, though perusing a translation which goes back to the Greek through the Latin, and though in the process of this repeated 'emptying from vessel to vessel' much of the original flavour has been lost. For after all the Septuagint embodies readings superior to those of the received Hebrew text in not a few instances. As for the exegesis, the Church of Rome must take into the bargain renderings which it

would gladly exchange for those of the Protestants. To mention one example, the Catholics must be satisfied with a translation of נשקו בר, Ps. 2. 12 ('Embrace discipline'), which is quite jejune, compared with the Anglican 'Kiss the son'. Here and there Jerome (or rather the Old Latin which he revised) may have followed a corrupt reading in the Septuagint (see note on Ps. 30 (31). 16). Archbishop Kenrick's notes which are concise are on the whole illuminating. He does not disdain to record the views of a 'Rationalist' like Olshausen. It would have been well if the volume had undergone revision with a view to bringing the Notes up to date. In a future edition the disfiguring misprints, especially in the Hebrew (e.g. on p. 20 לִב לְמַח כְּבִיר should read לִב לְמַח כְּבִיר), should by all means be corrected. While the volume is intended for the Catholic clergy and laity, outsiders, particularly such as are engaged in the task of translating the Scriptures, will do well to refer to it. Briggs's pious wish that Jews, Catholics, and Protestants may some day unite in producing an adequate rendition of the Psalter will probably not be realized for some time to come; meanwhile let us willingly learn from one another.

A difficult verse in a difficult book like Job—and there are many of them—requires on the part of the Bible exegete a fine feeling for the Hebrew language begotten of a penetrating study of biblical and also of post-biblical literature, considering that critics are prone to place the production of the poem and especially of an interpolation like the Elihu speeches in post-exilic times. Even when the scalpel of textual criticism is made use of, emendations reveal themselves as plausible only when the restored text reads like Hebrew. Emendations, moreover, are not made, they come of themselves. The modern student is ill equipped for the task. Teachers of Old Testament exegesis devote their time and energy principally to literary questions and nowadays to comparative religion. Very little time and inclination is left for the arduous questions of mere interpretation. Richter's volume is a case in point. The author has many good suggestions—compare, for instance, the exposition of 6. 2 f.—but

in the main he operates with textual emendations which, on the whole, are not felicitous. It is futile to cite examples. It must be conceded, however, that the author has used modern commentaries to advantage; he is well informed. As for the ancient versions which he cites, in particular the Septuagint, despite many excellent *Vorarbeiten* which are available, the preliminary problems cannot be said to be in a settled state. Much remains to be done. A study of the Septuagint and the other Greek versions on a comprehensive scale with a view especially to the manner of translation, the degree of freedom or the character of exegesis for example, is still a desideratum, and no safe conclusions can be drawn until that work shall have been done.

Levy's volume on Koheleth shows on the other hand what can be accomplished by a man who is well versed in post-biblical Hebrew and at the same time has learned the method of modern philology. He quotes ancient versions and Midrash, mediaeval and modern commentaries; but above all he has done some exegetical thinking of his own. Although in principle he has no scruples about analysing a biblical book with a view to multiplicity of 'documents', he does not see any necessity for splitting up Koheleth into fragments after the manner of Siegfried. The volume abounds in original exegetical remarks which yielded many a novel rendering or interpretation. Such details must naturally be left to future tests. But the author is more than a translator and exegete. He has a new theory concerning the authorship of the Preacher. The book was written by no other than either Zadok or Boethus, the founders of Sadduceism about 203 B.C. The Sadducees are taken to be the rationalist aristocrats, given to a love for foreign culture and favoring a view of life which is Epicurean. Accordingly Levy devotes a considerable part of introduction and commentary to the proof of Greek philosophical terms in Koheleth. The attempt is an old one, and we doubt that the thesis in its recent formulation has gained in probability. Nevertheless, the volume may be commended to all students who have wrestled with the problems presented by Koheleth, whether on the purely exegetical side or

on the side of the underlying thought and main purpose of that unique production in the Bible.

Swart's dissertation on the theology of Chronicles is in the nature of a polemic against the view that the aim of the Chronicler was merely to represent the past in the terms of the post-exilic community which was of a priestly, hierocratic type. According to Swart, the high-priest is rather kept in the background. The real purpose of the Chronicler was not so much to depict a condition that existed as to outline a programme of the future. And that programme was grounded in a theocratic theology in the centre of which stood not the high-priest, but king David as the representative of the scion from his house that was to come. 'The Davidic theocracy is not the end but a point of transition bearing in itself the seed out of which shall grow up upon a higher level the theocracy which is emancipated from legalistic limitations.' The Chronicler is free from formalism, and cult and piety have for him a theocratic purpose.

The Wisdom of Jesus the Son of Sirach, or Ecclesiasticus. In the Revised Version, with introduction and notes. By W. O. E. OESTERLEY, D.D., Jesus College, Cambridge. (*The Cambridge Bible for Schools and Colleges.*) Cambridge: at the UNIVERSITY PRESS, 1912. pp. civ + 367.

The Book of Wisdom. With introduction and notes. Edited by the Rev. A. T. S. GOODRICK, M.A., Rector of Winterbourne, Bristol. (*The Oxford Church Bible Commentary.*) London: RIVINGTONS; New York: The MACMILLAN COMPANY, 1913. pp. xii + 437.

The Book of Enoch, or 1 Enoch. Translated from the editor's Ethiopic text, and edited with the introduction, notes, and indexes of the first edition wholly re-cast, enlarged, and re-written. Together with a reprint from the editor's text of the Greek fragments. By R. H. CHARLES, D.Litt., D.D., Fellow of Merton College. Oxford: at the CLARENDON PRESS, 1912. pp. cx + 331.

The Ezra-Apocalypse. Being chapters 3-14 of the book commonly known as 4 Ezra (or 2 Esdras). Translated from a critically revised text, with critical introductions, notes, and explanations; with a general introduction to the apocalypse, and an appendix containing the Latin text. By G. H. Box, M.A., Lecturer in Rabbinic Hebrew, King's College, London. Together with a prefatory note by W. SANDAY, D.D., LL.D., Litt.D., Lady Margaret Professor and Canon of Christ Church, Oxford. London: SIR ISAAC PITMAN & SONS, 1912. pp. 14* + lxxvii + 387.

The Revised Version of the Apocrypha bears on its title-page the imprint of the year 1896. In July of the same year Dr. Schechter published a leaf brought to England by Mrs. Gibson in which he immediately recognized the Hebrew original of Ecclesiasticus. The narrative of the successive finds and publications which recovered for the world a goodly portion of the long-lost original, particularly of Dr. Schechter's part in transferring the contents of the Cairo Genizah to Cambridge, in identifying further parts of the Hebrew Sirach, and in publishing a masterly edition of the portions discovered by him, the reader may find told in the introduction to Oesterley's *Ecclesiasticus*, the latest volume of the well-known Cambridge Bible for Schools and Colleges. What a wealth of material the discovery of the Hebrew text, undreamt of when the Revisers took up their task, has brought to light the learned notes reveal in every line. Dr. Oesterley has turned the accumulated literature since 1896 to good purpose both in the notes and in the introduction. The date of Ben Sira is placed at about 190 B.C., Mr. Hart's arguments in favour of an earlier date being rightly overruled.

The rescue of one biblical apocryphon from the Genizah has meant an enrichment of our knowledge of 'biblical' Hebrew and an increased interest in the whole genre of literature, of which Ben Sira was probably the earliest representative. Whatever were the reasons which induced the doctors of the Synagogue to deny him canonicity, all that we can do is perhaps to deplore the rigid 'canon' which excluded so fine a work, and to restore

it to the affection of the nationalist Jew to whom it means a great literary production of the nation recovered, to the zeal of pious men of all creeds who may cherish it for its quaint wisdom and lofty morality, but most of all to the student of history and the theologian who will find therein a record of pre-Maccabean piety. We cannot hope to be as fortunate with another apocryphon, the so-called *Wisdom of Solomon*. Scholars seem to be agreed that the book was written from the start in Greek. The arguments which the latest expounder of the book has summed up in favour of a Greek original will probably prove convincing in their cumulative force, though the specific argument from diction is perhaps not the strongest, considering that even so literal a translator as Aquila betrays a singular mastery of the Greek language, as evidenced by a fondness for out of the way words and compounds. Mr. Goodrick, with Freudenthal as his guide, goes a step further; the author wrote in Greek, but, foreigner that he was, he misused the language of his adoption. The lengthy introduction deals with a variety of points, notably with the scope and unity of the book. While the author cannot subscribe to the diverse attempts at breaking up the book into a number of parts by different authors, he argues nevertheless with much cogency that chapters 7-9 were inserted by the author of *Wisdom* after he had penned the chapters at the beginning and end. As to the scope of the book, Mr. Goodrick would see in it a conscious polemic against our canonical *Koheleth*. In the opinion of the author, *Koheleth* is thoroughly Epicurean, so much so indeed that before admission to the canon the outspoken hedonism of the writer had to be made innocuous by a string of orthodox interpolations. The writer of *Wisdom* sets out to controvert the whole school, of which *Koheleth* was the Palestinian representative, and by which many more were captivated in Alexandria. He addresses himself to a class of apostates of the type of Tiberius Alexander, Philo's nephew, who, attracted by a worldly philosophy, abandoned the belief of their fathers. Indeed, Philo and the writer of *Wisdom* were contemporaries. There is a range of speculations common to them both, but they

are handled by each in an independent manner. Platonic and Stoic ideas are on the whole to be met with only in chapters 7-9, a later inscript. The remainder is thoroughly Judaic in tone, even particularistic. Above all, Wisdom sets forth a comprehensive view of the resurrection. Of this conviction of latter-day Judaism it presents a most perfect expression. Surely, it may be said, a book making so much of a chief Pharisaic doctrine should have been to the heart of the makers of the canon had the author written in Hebrew. His very pseudonymity would have been an asset. Whatever the merit of Mr. Goodrick's theories, they are forcefully set forth. With Grimm and Deane to lean upon, he has nevertheless done much original work. While he was saved the trouble of constructing a text, the notes show great erudition. There is nothing too trifling to be overlooked. As one goes through various chapters of this excellent commentary he must feel how much there is to be done in this much-neglected province of biblical study. Let us be thankful for this very helpful book so full of information and replete with suggestion.

Twenty years have elapsed since Dr. Charles's publication of an English translation of the Ethiopic Enoch. What Dr. Charles has done in these years in the field of apocalyptic and biblical studies is too well known to need rehearsing at this place. Suffice it to say that in 1906 he gave us an edition of the Ethiopic text of Enoch together with the Greek and Latin fragments which may be said to be exhaustive of existing textual materials in these languages. The present second edition of the English translation is based on the textual edition of 1906. It is, in the language of the author, a new book. A discovery of some moment is the recognition of the poetic structure of a great portion of 1 Enoch. As to the composition of the book, it represents a conglomerate of elements loosely joined together. Fragments of an older Book of Noah are embedded in certain parts of the present book of Enoch. The arguments in favour of a Semitic original are on the whole cogent. But we cannot say that Charles is always quite felicitous with his retroversions. Thus 'I saw those very sheep burning' (p. lxix) cannot possibly

be **וּזְרָא הַצֵּאן הַזֶּה עֲצֻמָּה בְּעֵרָת**. **וּזְרָא** is a collective and must be construed as a plural (see the Lexica). On the same page, line 2 from below, **אֲחֵרֵינוּ** is a misprint for **אֲחֵרֵינוּ**. When it comes to a decision between Hebrew and Aramaic, it must be owned that with few exceptions the argument is precarious. When Charles cites transliterations in the Greek or Ethiopic, it must not be forgotten that the Aramaic form may be the translator's own. On p. lxi, note 2, it is admitted that the Aramaisms in the Ethiopic version of the O. T. are probably due to Aramean missionaries. With reference to *madbara*, 28. 1, 29. 1, Dillmann in his paper on the Gizeh Greek text (reprint, p. 15) rightly recalls *madbera*, Joshua 5. 6. There, it is true, the Greek text reads *μαδβαριδι*, while here the Greek has *μανδοβαρα* and *βαβδηρα*. But the Greek translator may have introduced the Aramaic form himself in view of the fact that undoubtedly Hebrew transliterations are found side by side with the Aramaic. On p. lix **הָאֲרֵעָה** is probably a slip, the form being neither Hebrew nor Aramaic. Charles regrets that 'Jewish scholars are still so backward in recognizing the value of this (the apocalyptic) literature for their own history'. 'It is true that eminent Jewish scholars in America and elsewhere have in part recognized the value of Apocalyptic literature, but, as a whole, Orthodox Judaism still confesses and still champions the one-sided Judaism, which came into being after the Fall of Jerusalem in A. D. 70, a Judaism lopped in the main of its spiritual and prophetic side and given over all but wholly to a legalistic conception of religion. It is not strange that since that disastrous period Judaism became to a great extent a barren faith, and lost its leadership in the spiritual things of the world.' If, as Charles maintains (p. x, e.g.), the Book of Enoch and similar apocalyptic works represent the 'higher theology' which culminated in Christianity, the rejection of that literature by contemporaneous Judaism and the lack of interest therein by 'Orthodox' Jewish students cease to be an enigma. There is no reason, of course, why a literature which, there is ground for believing, originated in sectarian circles should not excite the interest of all students

of history whether Jews or Christians. But the estimate of the 'higher theology', no less than that of its culminating-point Christianity, will naturally differ according as to whether the legalistic Judaism of Mishnah and Talmud is pronounced a 'barren faith' or appraised as a great spiritual potency ever upholding the purity of the monotheistic religion against all the attempts within and without to dilute it in the waters of all sorts of syncretistic systems.

Mr. Box may be congratulated on the painstaking labour with which he has addressed himself to the exposition of so difficult and so interesting a book as *The Ezra-Apocalypse*. The commentary is replete with textual discussions and with a wealth of illustrations from the cognate literature. Rabbinic sources are drawn upon throughout, the author being convinced that both apocalyptic and legalistic Judaism were at one time united, and that traces of the former are still extant in the latter. Whether he is right in locating the Apocalypse of Ezra in the school of Shammai may be a matter of doubt. Probably, likewise, his analysis of the Book into a Salathiel and Ezra document will fail to obtain universal assent. In fact Professor Sanday, who has written an interesting Preface, accounts himself a heretic with regard to this theory. Aside from all such questionable theories, however, Mr. Box has done a splendid piece of work for which we owe him thanks.

Griechisch-deutsches Wörterbuch zum Neuen Testamente. Mit Nachweis der Abweichungen des neutestamentlichen Sprachgebrauchs vom Attischen und mit Hinweis auf seine Übereinstimmung mit dem hellenistischen Griechisch. Von Dr. HEINRICH EBELING. Hannover und Leipzig: HAHNSCHE BUCHHANDLUNG, 1913. pp. viii + 428.

The New Testament Manuscripts in the Freer Collection. Part I. The Washington Manuscript of the Four Gospels. By HENRY A. SANDERS, University of Michigan. New York: The MACMILLAN COMPANY, 1912. pp. vii + 247.

Neue Fragmente und Untersuchungen zu den judenchristlichen Evangelien. Ein Beitrag zur Literatur und Geschichte der Judenchristen. Von ALFRED SCHMIDTKE. Leipzig: J. C. HINRICHS, 1911. pp. viii + 302.

The Syriac Forms of New Testament Proper Names. By F. C. BURKITT. (From the *Proceedings of the British Academy*. Vol. V.) London: HENRY FROWDE, 1912. pp. 32.

Bible Reading in the Early Church. By ADOLF HARNACK, Professor of Church History in the University of Berlin. Translated by the Rev. J. R. WILKINSON, M.A. (*New Testament Studies*. V.) New York: G. P. PUTNAM & SONS, 1912. pp. x + 159.

The Odes and Psalms of Solomon. Published from the Syriac Version. By J. RENDEL HARRIS, M.A. Second edition, revised and enlarged. With a facsimile. Cambridge: at the UNIVERSITY PRESS, 1911. pp. xxxviii + 156 + ~~9~~.

Light on the Gospel from an Ancient Poet. By EDWIN A. ABBOTT, Honorary Fellow of St. John's College, Cambridge. Cambridge: at the UNIVERSITY PRESS, 1912. pp. lxiv + 602.

The People of God. An inquiry into Christian origins. By H. F. HAMILTON, D.D., formerly Professor of Pastoral Theology in the University of Bishop's College, Lennoxville, Canada. I. Israel. II. The Church. London: HENRY FROWDE, 1912. pp. xviii + 261; xvi + 252.

To Adolf Deissmann belongs the merit of having made a clean sweep of the older notion that biblical Greek represented a specific and isolated variety of its own. Thanks to the wealth of papyri, which have enlarged our vision and enriched our knowledge of the popular language spoken and written in Hellenistic times, we have learned to look upon the language of the Septuagint and the New Testament as but slightly, if at all, differentiated from the speech of the environment in which the Greek Bible was produced. A dictionary of the New Testament Greek illustrating

the relation of the *lingua sacra* to the contemporaneous or immediately preceding stage of Hellenistic Greek has long been a desideratum. By means of a condensation which at the first blush looks bewildering, but which one learns to unravel very soon, Ebeling has succeeded within small compass to supply the want. It is conceded that the New Testament writers did not borrow from the profane literature which some of them scarcely knew; the coincidences nevertheless point to the presence of the vocabulary employed by them in the speech of the population of which they formed a part. Nor do these coincidences preclude that here and there the word, though not new, was invested at the hands of the New Testament writers with a new meaning. To help the student, etymologies are prefixed at the head of every article; but etymology is one thing and the precise meaning in a given passage is quite another. The same holds good of the Hebrew 'equivalents' drawn from the Oxford Concordance to the Septuagint. Such entrances merely reveal the presence of the word in the Septuagint. Without entering here upon the question of a Semitic original in the Gospels, the Hebrew equivalent is useful enough. Sometimes the absence of an equivalent is charged with signification. For the equivalent is very often found in post-biblical Hebrew. Thus *ὀλιγόπιστος*, 'of little faith', has its counterpart in *אֲמִנָּה* (אֲמִנָּה) in Talmudic Hebrew. Ebeling fails to register such equivalents. It may have been useful to enter Aramaic 'equivalents' from the Targum. Dalman should have led the way. Here and there the Hebrew is disfigured by misprints. The meanings given to Hebrew proper names are frequently faulty. The main feature of the work consists in the references to Greek authors which will prove useful to the student of the Greek of the Septuagint and the other Greek versions of the Old Testament likewise. Altogether an admirable piece of work.

Close upon the publication of the Washington Codex of Deuteronomy and Joshua comes that of the codex of the Four Gospels from the same (Freer) collection, ultimately to find a place in the Smithsonian Institution in Washington. Professor

Henry A. Sanders is to be congratulated on the speed with which so important publications have been placed at the disposal of scholars. A classical philologist of note, he brings to his work an intimacy with palaeographical lore which few would have been able to match. In a short space of time he has set himself to acquire a working knowledge of Syriac, Coptic, and Gothic. Moreover, he has had to acquaint himself with the peculiar textual problems in a field of literature somewhat remote from the ordinary province of the classical scholar. But he has acquitted himself worthily of his task. Not the least merit is it that he knew to whom to apply for assistance. A lengthy introduction is devoted to a minute palaeographical description of the new codex which has been named W, its date, and particularly the problem presented by its text. The conclusions reached by the learned author go to show that in the main the basic substratum of W coincides with a form of the text underlying the ancient versions (Latin, Syriac, Coptic principally). This form of the text has been left in its original form in some portions, while in others it has been corrected to accord with either the Antioch or the Hesychian recension. The date of the codex is placed in the fourth century, 'though the beginning of the fifth century must still be admitted as a possibility'. A minute collation based on the Oxford 1880 edition of the *Textus Receptus* occupies upward of 100 pages. Simultaneously with the present volume there has been published a facsimile edition of the MS., which has been generously distributed among the leading libraries of the world. Mr. Freer, the present owner of the collection, has liberally defrayed the expenses incident to the publications.

The Gospel according to the Hebrews has been since the time of Lessing the subject of many curious hypotheses. After sifting the various patristic data, Schmidtke comes to the conclusion that there has been a misleading confusion between it and the Gospel of the Nazarenes. He finds the ultimate source of Epiphanius and Jerome as well of the citations from the Hebrew Gospel on the margin of a Matthew manuscript in a Macedonian

monastery—the discovery of those citations is Schmidtke's own—in a lost commentary by Apollinaris of Laodicea. The Nazarene Gospel was an Aramaic translation, a sort of Targum, of Matthew composed about A.D. 150. The Gospel according to the Hebrews, on the other hand, is identical with the Ebionite Gospel; that Gospel was written in Greek. The subject is an exceedingly obscure one, and while Schmidtke pursues his investigation with singular thoroughness, it is permeated with a degree of scepticism which may not be shared generally. On p. 288, bottom, 'Kilaim' should have had 'p.' or 'pal.' prefixed.

In a paper on the Syriac forms of New Testament names Professor Burkitt arrives at the conclusion that wherever possible they were assimilated to those in the Syriac Old Testament (Peshitta); when the Old Testament failed, the Syriac is sometimes demonstrably wrong; occasionally a transliteration of the Greek is abandoned in favour of a vernacular equivalent; here and there the identifications have their origin in local Palestinian traditions, but in not a few instances they rest on an incorrect theory. As a notable example of the last category the author cites *Nāsrath* for Nazareth. The difficulty lies in the substitution of ܣ (ܣ) for Greek ζ, which is taken to represent Semitic ܢ. The instances in the Septuagint or Hexapla with ζ for ܢ are explained away. As for the first example (Αδωνιζεδεκ, Joshua 10. 1), Burkitt's explanation ('this reading (i. e. αδωνιβεζεεκ) seems to have been corrected to agree with the Hebrew in Origen's Hexapla, with the least possible change of the traditional consonants') is open to the objection that Αδωνιζεδεκ was written by the Three and thence borrowed by Origen. If an explanation is needed, we may rather point to Syriac *zdk* with regressive partial assimilation (Brockelmann, *Grundriss*, I, 166). On the authority of Cheyne it is pointed out that 'no such town as Nazareth is mentioned in the Old Testament, in Josephus, or in the Talmud'. But נצר־ת occurs as a priest-city in a *ḥinah* by Kalir (see סדר תשעה באב, ed. Rödelheim, 1859, p. 17), which has been proved by S. Klein (*Beiträge zur Geschichte und Geographie Galiläas*, 1909; see *TLZ.*, 1910, c. 328) to rest on an

ancient baraita. Similarly there is no reason to doubt the correctness of the transliteration קיפא in view of הקיף, Parah 3. 5, cited by Dalman, *Grammatik*, first edition, p. 127. See Schürer, II³, 218, n. 12. The whole subject of Prof. Burkitt's paper, by the way, has been treated by Schwen in an article contributed to the *ZAW.*, XXXI (1911), 267 ff.; it had presumably not reached Burkitt when he prepared his learned and exceedingly interesting paper.

With a wealth of illustrations Harnack establishes the important fact that in the Early Church the private reading of the Scriptures was not only permitted, but indeed encouraged. Naturally the attitude of the Early Church is contrasted with that of the Catholic Church in the period following the fourth century. From the fact of the unrestricted use of the Scriptures by the laity in those early centuries there follows that 'the religion of the Early Church, however much of mystery and sacrament it gradually adopted, was, like Judaism, no mystery-religion'. In that respect, as in many others, 'Christianity was the daughter of Judaism'.

Around the Odes of Solomon, which it was the merit of J. Rendel Harris to discover and to publish, there has grown a substantial literature (see the list on pages ix to xii of the present edition), a small part of which has been noticed in this REVIEW (see New Series, III, 162). Now we are presented by the author with a new edition in which previous errors have been corrected, and the results of the criticism of many scholars incorporated. For the benefit of readers who remained strangers to the first edition it may be well to state that Dr. Harris acquired a Syriac manuscript, which upon examination proved to contain a translation of the Psalms of Solomon, of which the Greek text has long been accessible in excellent editions, prefixed by a goodly number of what the editor in harmony with the references in ancient writers called by the name of the Odes of Solomon. The exact title is indeed found in two lists of disputed or apocryphal writings, and in both the Psalms and Odes of Solomon are coupled together. Moreover, on comparing the number of

verses assigned to these two books by the ancient stichometers it is found that their compass squares with that of the newly-found Syriac codex. The earliest quotation (from the nineteenth ode) occurs in Lactantius, and the inference was made long ago that there must have been more Solomonic matter accessible to Christian scholars than the eighteen Psalms. Just in what order Psalms and Odes followed naturally remained a matter of conjecture. As a matter of fact, both orders were current. The author of the *Pistis Sophia*, a Gnostic work composed in the latter part of the third century, and embodying long quotations from the Odes accompanied by a paraphrastic 'Targum', found the Odes following upon the Psalms. The citations from the Odes stand on a level with the other quotations from the canonical Scriptures, showing the Scriptural standing of the Odes. Quite a few of the Odes incorporated in the *Pistis Sophia* tally with the Syriac Odes. As the Syriac codex is defective at the beginning, the first Ode may be recovered from the Gnostic work. Both the Coptic and Syriac are unquestionably translations from the Greek. As to the author of the Odes, scholars have advanced since the appearance of the first edition a variety of opinions. All agree that the poems are beautiful expressions of the mystic union with God. Beyond that there is the reverse of unanimity. Some like Harnack have assigned the work to a Jew, albeit in its present form it has undergone revision at the hands of a Christian. Others believe that the work is wholly Christian. Harris persists in his view that the poet was a Christian of Jewish extraction who sang as early as the last quarter of the first century. The Odes betray a Johannine vocabulary, but are in every way independent of the Fourth Gospel. What makes identification so difficult is that the poet moves in a spiritual world of his own with but scanty references to the actual world in which he lived and moved. Whatever be the final verdict on the personality of the author, his poems represent a lofty specimen of mystic rapture couched in language sweet and noble, and revealing the Christian experience at its best and highest. Harris is by no means convinced that all of the Odes come from

one and the same hand or time; the high antiquity which he assumes refers of course to the first of a series of poets.

Dr. Abbott's contribution to the study of the Odes is presented in a volume of some 600 pages replete with learning of the most varied kind and going into a minute discussion of the exegetical data culled from the remotest corners. He is inclined to think that the poet wrote in Semitic and that in all probability the Syriac is a direct translation without the intermediary of Greek. As to the composition and character of the Odes, what differentiates Abbott from Harris is the insistence on their being the product of one and the same man whom he describes as 'a Jew on the point of becoming a Christian or a Christian fresh from the condition in which he thought as a non-Christian Jew'. 'Pauline he is, but not an imitator of Paul; Johannine, yet almost certainly ignorant of the Johannine gospel.' A 'half-way house between Judaism and Christianity' is what we have in this poet. He wrote 'under the influence of Palestinian poetry, Alexandrian allegory, Egyptian mysticism, and—most powerful of all—the influence of the Spirit of Love and Sonship, freshly working in the Christian Church, at a time when Jesus was passionately felt to be the Son revealing the Father through such a Love as the world had never yet known; but before the doctrine of the Father, the Son, and the Spirit had begun to be hardened by controversial iteration into a dogma accepted by the lips of almost all Christians, including many that did not feel the beauty and necessity of the doctrine in their hearts'. Christian and Jewish thought are blended. The poet leans on Old Testament prototypes. He consciously writes in the name of Solomon, because the Solomonic Song of Songs spiritually interpreted after the manner of the haggadah and the Targum is the immediate pattern of his own poetic effusions. Abbott's book is not easy to sum up. It is so charged with learning, and so many details are treated at length in foot-notes and appendices, that it may be truly said that there are half a dozen books in one. Through the kindness of Professor Burkitt, Dr. Abbott has been in a position to incorporate variant readings from a tenth-

century manuscript discovered by the former in the British Museum and containing the latter and greater part of Harris's text.

The titles of the two volumes of Dr. Hamilton's work on *The People of God* indicate the author's point of view. 'The Church is Israel.' 'We are the community of the Messiah and therefore the true Israelites.' In this one sentence is summed up the whole philosophy of the foundation of the Church. The Messiah could not found a new and independent religious society to rival the old Israel; but it was inevitable that all who accepted the Messiah should consider themselves as the true Israelites, as composing a society which was rightful heir and successor to all the prerogatives and claims of the Jewish people. That the Early Christian did so regard himself has been shown by Harnack, whom Hamilton quotes at length. According to Hamilton, Jesus Himself instituted this transformation. For a transformation did take place. The Apostles interpreted the will of their Master correctly by admitting Gentiles to membership in the New Israel without the requirement of circumcision, which was tantamount to integration into race. Henceforward Israel connotes a religious community without regard to race antecedents, and that is the Church. There were monotheistic currents in the world outside Israel, especially in Greece. But the Greek monotheism was of the philosophic sort. It was no religion. So soon as it manifested itself, it meant the death-blow to the polytheistic gods. God, whether transcendent or immanent, was not revealed directly, but mediated through nature. At best there resulted along with the insistence on moral conduct a toleration in religious conformity. Out of the philosophical schools no Church could develop. On the other hand, the monotheism of the prophets of Israel—'Mono-Yahwism', it may be hoped that the hybrid designation will not perpetuate itself—was from its start not a new view of the physical universe nor the teaching of history, but it was grounded in an inner experience, it was a real revelation from the outside. When then the Messiah came and brought a new Revelation which abrogated

the Law and put the New Covenant in its place, the old order at once merged into the new, the old Israel became the new Israel, Israel became the Church of the Messiah, and the new religion grew naturally out of the old. When we say 'naturally' we simply mean that the old order yielded to the new, the old in no way being done away with; the old was simply modified, transformed, re-cast. There is much more to be found in the interesting work of the Anglican divine who accepts the result of modern criticism and withal clings with all tenacity to the institutions of the Early Christian Church. Christian readers will be much interested in what the author has to say on the Unity of the Church and on its government. The outsider will concentrate his attention upon the general proposition which underlies the work, and while by no means ready to accept a theory which robs the Jew of his birthright, find much food for reflection in what is the attitude of the exponent of an historic Christian community with reference to the progress of religious ideas in Israel and the ultimate destiny of 'the People of God'.

Materialien zur Bibelgeschichte und religiösen Volkskunde des Mittelalters. Von Professor Lic. HANS VOLLMER. Band I. Ober- und mitteldeutsche Historienbibeln. Berlin: WEIDMANNSCHE BUCHHANDLUNG, 1912. pp. vii + 214.

The Greatest English Classic. A study of the King James Version of the Bible and its influence on life and literature. By CLELAND BOYD McAFEE, D.D. New York: HARPER & BROTHERS, MCMXII. pp. v + 287.

The Rule of Life and Love. An exposition of the Ten Commandments. By the Rev. ROBERT LAWRENCE OTTLEY, D.D., Canon of Christ Church. London: ROBERT SCOTT, MCMXIII. pp. xviii + 238.

Long before the Romanic and Germanic peoples were ready for a literal translation of the Scriptures, the Scriptural material, particularly that of the Old Testament, was freely handled in the

form of prose texts and embellished with additional matter borrowed from apocryphal or profane sources. Such works were exceedingly popular. In France they were called *bibles historiques*, in Germany *Historienbibeln*. The latter have been dealt with by Merzdorf (1870). Prof. Vollmer has made a fresh study of this branch of literature which is at once interesting to the theologian, the student of mediaeval German, and the historian. In the present volume he deals in a thoroughgoing manner with *oberdeutsche Historienbibeln*. He divides the manuscripts and editions into groups and discusses minutely the representative of each group especially with regard to the sources. His material by far exceeds that of his predecessors.

Dr. McAfee interestingly relates the history of the King James Version and points out its place in the English literature and its influence on English writers. Alas that this influence is on the wane, a circumstance to be attributed to the disuse of the Bible in the home. We heartily subscribe to the writer's plea for the rehabilitation of the Bible in the home, whatever may be the difficulties in the way of the Bible in the schools. See this REVIEW, New Series, I, 576 ; III, 164.

Canon Ottley's popular exposition of the Decalogue is naturally written from a Christian point of view. Witness his position on images and on the Sabbath. The Decalogue is Mosaic though edited much later. The religious value of the Ten Commandments as 'a rule of life and love' is emphasized. While the volume is written with earnestness and a deep sense of religion, the Jewish point of view, we fear, is not clearly grasped. The writer dwells on the burdens of the Jewish Sabbath, but is devoid of insight into the beauty of 'Queen Sabbath'.

Dropsie College.

MAX L. MARGOLIS.

REPRESENTATIVE GOVERNMENT AMONG THE HEBREWS AND PHOENICIANS

A CONTRIBUTION TO THE PROBLEM OF THE עַם הָאָרֶץ
RAISED BY JUDGE MAYER SULZBERGER

IN his instructive study entitled *The Am Haarez, the ancient Hebrew Parliament*, Judge Mayer Sulzberger, with the competence of an eminent legal authority manifested in every line, endeavours to determine anew the constitutional government of ancient Israel. After arguing his thesis with sagacity, the learned Judge reaches a conclusion revealing a new aspect of prime importance which must impress itself on the Jewish historian: Hebrew antiquity knew of constitutional, representative government. This régime which can be traced to the time of the Judges definitely appears in the age of Samuel, when we come across the chosen of the people, ראשי הקרואים, cp. קרואי עם. This term reappears in many biblical passages which have been misunderstood by historians ignorant of Oriental antiquity, and which treat of the assemblies of the Israelites under the name of עַם הָאָרֶץ or even ראשי עם הארץ, their active rôle being determined by a whole series of political changes in Israel.

The thesis so wisely developed deserves attention. However, such is often the force of historical routine in many erudite circles that they fear every opinion—however true it may be—just on account of its originality. The only way to react against such a routine is to accumulate evidence tending to make truth triumph. May I therefore be permitted to offer my moderate contribution to the elucidation of such an inspiring problem?

To show how one must not isolate pre-exilic Israel from the

multitude of his Hebrew or Hebrew-Phoenician neighbours, I shall try to recapitulate all that is known to-day concerning the ancient constitution of Phoenicia, the analogy of which to that of Israel has already been discussed by me.¹

It is chiefly the Phoenician and Punic inscriptions substantiated by the testimony of the ancients which will furnish us new data concerning the constitutional régime of these peoples. Let us begin by saying that after having experienced—together with the people of Israel—a prehistoric period of the rule of suffetes, שופטים, and representatives of the people, the Phoenicians of Tyre and Zidon wound up by adopting the same political system as Israel: the first known independent Kings of Tyre, Abiba'al and Hiram, are contemporaries of David and Solomon. Only, and this despite the dearth of historical documents, all that we know of the history of Tyre points to a chronic conflict which existed between a popular party, the plebeians, and the royal party or aristocracy. The reactions and revolutions among them are numerous.²

Indeed, it is as a reaction against the tyranny of the royal régime at Tyre that the founders of Carthage, having expatriated themselves in order to go to Africa, decided to adopt a republican system of government with two suffetes or judges (magistrates) at the head. In a general way the Phoenician inscriptions know two political régimes different from one another: (1) The monocratic régime which is characterized by the mention of an era dated from the coronation of the מלך or sovereign. (2) The republican régime which is characterized by a demotic era, i.e. which counts the years from the foundation of the new republican form of government or else from the eponymous year, i.e. the year which bears the names of the suffetes who were then in power.

To the last category belong the documents which come from the Seleucid era, wherein the Phoenician cities constituting

¹ See *Les Hébreu-Phéniciens*, Paris, 1909. Also *La Civilisation hébraïque et phénicienne de Carthage*, Tunis, 1912.

² See the famous passage of Menander cited by Josephus, &c.

a republic still found themselves dominated by the Syrian kings and subject to their suzerainty.

As a specimen of the first category may serve the great inscription of Zidon dated at the period of Persian domination and published in the *Corpus Inscriptionum Semiticarum*, I, No. 2. The following is the text of the first line which is of interest to us:

בשנת עשר וארבע למלכי מלך אשמונעזר מלך צדנם

'In the year XIV of my reign (I) Eshmunazar, King of the Zidonians.'

Here it is the king who dominates the era: none else is mentioned. The people do not participate in the management of the government.

The same is true of the Phœnician colonies of Cyprus where the royal régime predominated, as may be seen from the Assyrian inscriptions of Sargon.³

The *CIS.*, I, Nos. 88 and 89, offers us a similar formula for a Cyprian king of the Ptolemaean age. The first line reads:

בשנת שלשם למלך מלכיתן מלך כתי ואדיל

'In the year XXX of my reign (I) Melechyaton, King of Kiti (Kition) and of Adel.'

As to Tyre, we lack for the present inscriptions relative to the régime which would characterize her royal period contemporaneous with the kings of Israel. But we know that during the Greek supremacy, when the republican régime was definitely established in the city of Tyre, it was the *δημος*, the עם, which signaled its advancement to power through the establishment of an era appropriate to it. This point is so important to our thesis that I venture to reproduce the inscription of *CIS.*, No. 7, *in extenso*, with its Latin translation according to the editors of the *Corpus*⁴:

³ See Maspero, *Histoire ancienne des peuples de l'Orient*, p. 500.

⁴ It goes without saying that the Phœnician orthography differs from the Hebrew.

Domino Baali coelorum
votum quod vovit Abdelimus,
filius Mattanis, filii Abdelimi,
filii Baalšamari, in [circulo]
Laadic[ae]. Portam hanc et
valvas eius feci in exsecutionem
illius (voti). Aedificavi eum
anno CL XXX domini regum,
CXLIII^o anno populi Tyri, ut
sit mihi in memoriam et nomen
bonum sub pedibus domini mei
Baalīs coelorum in aeternum.
Benedicat mihi.

לאדון לבעל שמים. אש נדר
עבדאלם בן מתן בן עבדאלם בן
בעלשמר בפלג לארך. אית השער
ז והרלהת אש ל פעלת בתכלתי
בנת בשת CL XXX לאדון מלכם.
CXLIII^o שת לעם צר לכן לי
לסכר ושם נעם תחת פעמי אדני
בעלשמם לעלם. יברכן.

To facilitate the reading I offer a Hebrew translation or rather an orthographic reproduction :

לאדון לבעל שמים⁵ אשר נדר עבדאלים
בן מתן בן עבדאלים בן בעלשמר
בפלך לודקיא.⁶ את השער הזה והרלות
אשר לו פעלתי בתקלתי⁷ בניתי בשנת 180
30 לאדון מלכים. 143 שנה לעם
צור להיותם לי לזכר ושם נעים
תחת פעמי⁸ אדוני בעל שמים
לעולם. יברכני.

In this inscription we find three dates : the first is not certain ; the second is that of the reign of a Seleucid king ; the third is that of the establishment of the Republic of Tyre which, according

⁵ The god of heaven, בעל שמים, is the pure Semitic deity, in contradistinction from בעל חמן = בעל שמש who is the solar god. (See my study cited above.)

⁶ Or לודקיא according to the Talmud.

⁷ From ונחרצה בלה, *project, plan*.

⁸ Or רגלי.

to the editors of the Corpus, would date from 275. The inscription therefore dates 143 from the Republic of Tyre or 132 B. C.

Another inscription found near Tyre much later and commented upon by Clermont-Ganneau⁹ dates from the era of Ptolemaean dominion. The following is the passage concerning the eras:

בִּשְׁתַּיִן XVI לַפְּתָלְמִיּוֹס אֲדֹנָי מַלְכֵּם הָאָדָר פָּעֵל נָעַם בֶּן פְּתָלְמִיּוֹס
וְאַרְסִינוֹס אֶלֶן אֲחֵים שְׁלֹשׁ חֲמִישִׁים שָׁנָה לְעָם [צֶר]

‘In the year XVI of Ptolemy, the lord of kings, the powerful, the benefactor, son of Ptolemy and Arsinoë, the tree of life, fifty-three years to the people of Tyre.’

Here the date is certain; it is Ptolemy III Euergetes (247–221 B. C.) who is alluded to. The Tyrian republic having been founded in the year 275, the date would be 222 B. C.

As to the Republic of Zidon of the same epoch, we possess an inscription discovered at Piræus (near Athens) where we read the following date:¹⁰

בִּיּוֹם IV לַמְּרוֹחַ בִּשְׁנַת XV לְעָם צֶדֶן

‘On the fourth day of (the month) Marzeah¹¹ in the year XV of the people of Zidon.’

These documents show us that the term עָם is employed as an equivalent of republic. It is the sovereign people that signs the acts.

Unfortunately we do not possess any data concerning the social and political constitution of the republics of Tyre and Zidon of a later date. On the other hand, we are well informed as to the constitutional régime of the daughter republic of Tyre—that of the famous Carthage and her dependent states. The testimonies of Aristotle and Polybius are precious,¹² and the

⁹ *Recueil d'Archéologie Orientale*, I, p. 81 f.

¹⁰ See Renan, *Rev. Archéol.*, 1888, I, p. 5 f.

¹¹ An ancient name of a Hebrew-Phoenician month.

¹² I refer the reader to the book by Meltzer, *Geschichte der Karthager*, vol. II, ch. II.

inscriptions are very numerous although some of them still remain unpublished. I have already had occasion to demonstrate in what respects the constitution of Carthage offers analogies with that of post-exilic Judea, analogies which even go so far as a common terminology.¹³

The whole constitutional régime of ancient Judea is found copied and frequently glossed in the inscriptions of Carthage or her dependencies of the occidental Mediterranean region.

At the head of the constitution of Carthage stood the *δημος*. It is to the people that the government addressed itself whenever an important decision came up.¹⁴ The people constituted the highest court of appeal in all matters pertaining to the political life of the republic. Now, the epigraphic texts show explicitly that in the Hebrew-Phoenician speech of Carthage and her dependencies it is the term *עם* which replaces that of *δημος* in Aristotle, Diodorus of Sicily, and Polybius whenever there is reference to the constitution of Carthage. Several Zidonians naturalized in Carthage employ in their votive texts the following formula (cp. *CIS.*, 269, 271, 272, 273, &c.): *עם למיעמם*¹⁵ *קרתחדשת* = *ex decreto populi Carthaginis*.

The inscription of Gozzo (Gaulos near Malta, see *CIS.*, I, No. 132) speaks of temples erected by the people of that city in the following terms:

בעל וחדש עם גול אית שלש [המקדשים] . . .

‘The people of Gaulos executed the renovation of the three [temples] . . .’

In the inscriptions, No. 263-8, the representatives of the *עם* or commonwealth of other Punic colonies (e. g. *רשמלקרת*, *עם, עם אירנים*, &c.) are involved. Thus every Phœnician colony

¹³ See my *La Civil. hébr. et phén. de Carthage*.

¹⁴ Cp. Diodor. 14. 4; Polyb. 15. 1, 2.

¹⁵ This term is hardly clear. The root *עמם* means to charge, perhaps *לָמוּ יַעֲמֵם* = he charged them. The Latin *ex decreto* translated by the editors of the Corpus is certain.

constituted a nation, a **עם**, which distinguished her from the other neighbouring populations. But what was exactly the character of this **עם** or *ḡēmos* which governed the destinies of the great Republic of Carthage and her sister cities? Here again Aristotle, corroborated by the testimony of Polybius and elucidated by Meltzer, offers a solution :

It follows from these data that the people of Carthage were presided over by a great assembly, *Synecletos*, composed first of 100 and later of 300 family heads. Evidently not anybody who wished formed the sovereign people of Carthage, but only the representatives of the Phoenician citizens, one from each family, the **עם ראשי** or **ראשי בתי אב** of the Hebrews and of the book of Nehemiah, which form a point of discussion in Judge Sulzberger's treatise. By its origin it recalls the **כנסת הגדולה** of Jerusalem, whose inception is stated clearly in Neh. 5. 10, where it is resolved to have the first legislative reunion of post-exilic Jerusalem : twenty-three representatives of the families of the Aaronides, seventeen heads of Levitic families, and forty-five heads of lay families. See, moreover, Neh. 8. 13 : **נאספו ראשי האבות לכל העם** : **הכהנים והלויים**.

With reference to the Aaronides as well as the Judeans, it is the representatives of the families who make up the **עם**. Hence at Carthage as well as at Jerusalem the **עם** is the pure race, the commonwealth represented by its family chiefs, to the exclusion of strangers. It is this assembly which controls the acts of the suffetes, which presides over all the functions of government, such as the executive function, the *Synhedrion*¹⁶ or the Senate of 100 at Carthage and of 70 at Jerusalem, &c. At Jerusalem the two suffetes are replaced by the high-priest and the *Nasi*, later on by the **זונות** or chiefs of *Synhedrion*. The members of this parliament bear the name **חברים**. Thus in one of the inscriptions recently discovered at Carthage¹⁷ we find **הברנים** (= **חברים**) alongside of suffetes and high-priests. In Jeru-

¹⁶ The term *Synhedrion* appears similarly at Carthage.

¹⁷ To appear in the next issue of the *CIS.*, which is now in press ; cp. *CIS.*, I, No. 165.

salem these **חברים** are met with in the following numismatic text published by de Vogué :

יוחנן הכהן הגדול וחבר היהודים

‘Johanan the high-priest and the college of the Jews.’

But even the term *hetairia* which Aristotle attributes to the supreme tribunal of Carthage is known in Jerusalem. In the first place we find the term **החבורה** (Midr. r. **שיר השירים**, 2. 63, &c.) used with reference to the great Jewish tribunal. But besides we have the misunderstood term **בעלי הרסין** or members of the *hetairia*. The key to this solution is furnished by Yebamot 121 a, where we read **היתרים**, *hetairias*.

I hope again to treat this captivating subject at some future date. But the present exposition, however summary it may be, proves sufficiently that the thesis of Judge Sulzberger finds very serious support in the texts of Phoenicia: under the form of family representation, the families being only those belonging to the Phoenician commonwealth, the people of Tyre or Carthage, the *δημος* or the **עם**, directed the destinies of their republics. This is the first form known in the history of the régime of a sovereign people.

Paris.

NAHUM SLOUSCH.

RECENT ARABIC LITERATURE

Le Parler arabe des Juifs d'Alger. Par MARCEL COHEN, chargé de cours à l'École des Langues Orientales. Paris: H. CHAMPION, 1912. pp. xvii + 559.

Until quite recent times philological studies were mainly devoted to the grammatical speech and literature, and the languages of the people were contemptuously disregarded. That this attitude is at best one-sided is self-evident. For the grammar of a language represents the arbitrary views of a school of a certain period, and usually arrests the natural development, whereas the common people who remain uninfluenced by grammar continue to develop a dialect of their own. Due to these considerations, the investigation of various dialects is assiduously pursued in modern times. In Arabic especially such studies are of vital importance. The classical language, as represented in the *Qur'ān* and early poetry is to some extent still the model for Arabian writers throughout the globe, but the numerous dialects differ so greatly from one another, that a man well versed in one will be at a loss to understand another. For the comparative grammar of Semitic languages, dialects offer suggestive hints, and Brockelmann in his *Grundriss* made ample use of them. As Jews form a group for themselves, they usually develop dialects of their own, which preserve important features of the parent tongue.

That the Arabic dialect spoken by the Jews of Algiers deserves special treatment is fully justified by Marcel Cohen's book, which is an exhaustive study of this dialect, and throws a good deal of light on the development of that language. Such a book would naturally have been best written by a native of Algiers. It is, however, a remarkable fact that speakers of a certain dialect are seldom alive to its importance. Thus Jewish-German, though the vehicle of thought of several millions of Jews, and possessing

a rapidly-growing literature, has not been yet treated comprehensively. And it should be borne in mind that there are a fairly large number of philologists whose mother-tongue is Jewish-German. It would therefore be unreasonable to wait for a native to write a comprehensive study of the dialect of the Jews of Algiers. M. Marcel Cohen, who seems to have had an excellent philological training, made a careful study of this dialect while sojourning in Algiers. He availed himself of the services of intelligent natives, who supplied him with apparently reliable information.

In his *Introduction* M. Cohen gives a short sketch of the Jews of Algiers. The usual tragedy of Jews in the diaspora reveals itself here. They are swayed by foreign influences, and are the first to discard their language and adopt another. There is every reason to believe that soon Arabic will cease to be the language of the Jews of Algiers, and will be supplanted by French, the language of the recent conquerors. M. Cohen also points out the characteristics wherein this dialect differs from the other dialects spoken by Muhammadans or Jews. He maintains that this is a real dialect, and not a jargon, as it is usually considered by the non-Jewish population of Algiers, and by Bargés in his work on Tlemcen. This view can, however, be contested, and our decision depends on the exact definition of the term *jargon*. This Jewish dialect contains a considerable amount of Hebrew loan-words to make it unintelligible to non-Jews. In this respect it resembles Jewish-German, which is commonly known as *jargon*. Moreover, the Jews of Algiers, as their history shows, are composed of heterogeneous elements, and conflicting influences were at work to make their dialect what it is to-day. It is thus deprived of a natural development which is the primary characteristic of a dialect.

The first part of this important work deals with phonetics. M. Cohen is very exhaustive, and treats of all sounds very minutely. One is, however, inclined to doubt the accuracy of this difficult study. For one who is not a native will find it impossible to determine whether certain characteristics are indi-

vidual or general. This difficulty is almost unsurmountable in the case of unaccented vowels, where even the most careful inquiries would fail to elicit reliable information. It will, however, be readily granted that M. Cohen obtained the best possible results under the circumstances. Moreover, he seems to have been supported by the independent investigations of W. Marçais, whom the author frequently quotes. It is interesting to note that many Jews of Algiers are unable to pronounce *sh*, a characteristic which is shared by Jews in certain parts of Lithuania. The fact that *ḥ* is sometimes pronounced as *hamza* is to be ascribed perhaps to some Jews who immigrated from Egypt, where this is quite usual. On the whole, I think that most of these characteristics are to be explained in some such way.

Of greater importance and interest is the second part dealing with morphology. Here the author could work with greater accuracy and precision. The wear and tear of language is here clearly manifest. It is safe to say that the verbal forms approximate Aramaic more than Arabic. The dropping of syllables is quite frequent. Trisyllabic forms of classical Arabic are reduced to one syllable. To illustrate this point the following example will suffice: *kṭeb*, 'he wrote', instead of *kataba*. This represents an advanced stage of decay, for in Egypt *keteb* is the ordinary form. A comparison of this dialect with the other Arabic dialects spoken in the Orient will yield fruitful results. One may perhaps find Hebrew influence in the usage of *ra'ā* in the sense of *to be* (p. 252), which is like הנה. Thus *rāk* = הנך, *thou art*.

The studies in the vocabulary, which form the third part of this work, deal chiefly with words borrowed from other languages. As may well be imagined, Hebrew loan-words are very prominent. Most of the terms employed in religious ceremonies are Hebrew, in a grammatical or corrupt form. This is the case with all Jewish dialects, for religious terms are not easily translated. But the author rightly observes that owing to the fact that the Jews of Algiers lack talmudic knowledge, Hebrew words are less numerous in this dialect than in Jewish-Spanish or Jewish-

German. Most of the formulas of greeting are in Hebrew, as are also a number of euphemistic expressions. Some Hebrew phrases are used as a peculiar slang, which the author treats separately. These expressions are sometimes not devoid of humour. Thus עשר מכות (*ten plagues*) means *ten francs*.

In explaining these terms our author is not always fortunate, and it is to be regretted that this part of the work was not revised by a competent Hebrew scholar. Apart from the numerous misprints, some of which are corrected in *Additions et Corrections* (pp. xi–xvii), there are many errors in orthography and interpretation. תשעה באב instead of טרפה and הניע בעב instead of תשעה באב (p. 393) are left uncorrected. The vocalization is seldom accurate. In mentioning the name of a detested dead person, the Algiers Jews use the expression ישרף עצמות together with the Arabic suffix 3rd pers. masc. sing., and the author (p. 396) remarks that in Hebrew it ought to be עֲצֻמוֹתוֹ! Had he looked up a Hebrew paradigm, he would have known that the only possible form is עֲצֻמוֹתָיו. It should be noted that the Midrash uses עֲצֻמוֹת without a pronominal suffix. הורו ליי כי טוב is translated by *éclat pour Dieu, puisque c'est bon!* הורו being taken as a noun. He also fails to remark that this phrase occurs in Ps. 136. 1.

The texts which the author appends are instructive in various ways. They are judiciously and carefully chosen, and are calculated to give the reader some idea of the customs and manners of the Jews of Algiers. Text I is written in Hebrew characters, and is supplied with a transcription and French translation. It is a humorous anecdote about a Rabbi Ghaz̥jel (little gazelle), which reminds one of the anecdotes related of Luḫmān. The remaining texts are transcribed in European characters, and translated into French. Text II is a description of Sabbath dishes given by an old woman. It ends with a humorous couplet:

eššebbat bla tfina
kif eššultan bla mdīna

'Sabbath without *tfina* (food prepared on Friday and kept warm for the Sabbath) is like a king without a city.'

Text III deals with burial rites, and Text IV describes marriage ceremonies. They are very quaint customs, and in some way poetic. They remind one of the idyllic state of ancient times. The latter text ends with a wedding hymn. Text V is a commercial letter.

The index of the words occurring in this book is well compiled, and serves a useful purpose in enabling one to find out what words are peculiar to this dialect.

Register zum Qorankommentar des Tabari (Kairo, 1321). Von HERMANN HAUSSELEITER. Strassburg: KARL J. TRÜBNER, 1912. pp. 47.

Among Muhammadan writers of the ninth century Tabari stands out pre-eminently as historian and theologian. His *Annals*, which were published under the direction of de Goeje, are extensively used. But his *magnum opus*, his commentary to the *Qur'ān*, was hitherto neglected. O. Loth gave a description of this monumental work in *ZDMG.*, XXXV (1881), 588-628. About ten years ago this work was published at Cairo in thirty volumes. The index volume is in Oriental fashion, and is not suitable to the needs of European scholars. As a scientific European edition of this work can hardly be expected in the near future, Haussleiter has compiled a useful index which will enable the reader to find his way in this commentary. It was undertaken at the instance of Prof. Lidzbarski. The verses are marked in accordance with Flügel's edition of the *Qur'ān*.

Monuments of Arabic Philology. By Dr. PAUL BRÖNNLE. Vol. I. Commentary on Ibn Hisham's Biography of Muhammad according to Abū Dzarr's MSS. in Berlin, Constantinople, and the Escorial (Wuestenfeld's edition, pp. 1-540). Edited by Dr. Paul Brönnle. Cairo: F. DIEMER, FINCK, & BAYLAENDER SUCC., 1911. pp. 16 + 208. Vol. II (continuation and end), pp. 2 + 258.

To bridge over the gulf that separates the East from the West has often been attempted by making the literature of the one accessible to the other. As is usually the fate of Utopian ideas,

no visible success was hitherto achieved, and the East remains unknown to the West. Nevertheless, there still exists a small band of scholars who, despite all discouragement, persist in doing their best to bring about this desired end. Animated by this idea, Dr. Paul Brönnle devoted himself to researches in Arabic literature, and, as a result of his fruitful labour, is publishing *Monuments of Arabic Philology* in six volumes.

In order to make the texts accessible to readers of both the East and the West, Dr. Brönnle is issuing two editions: an Oriental (Arabic-English) and a European (Arabic-German). The former is to contain five volumes of texts, and a volume of critical notes and indices of all texts. The editor has skilfully chosen texts of varied interest, excluding all grammatical works of which abundant specimens had been printed. One needs only to glance at the table of contents to be convinced of the sound judgement of the editor. These volumes are to comprise works by Abū Dzarr, Al-Rabai, Ibn Khalawaih, Qutrub (complete works), and 'Alī ibn Hamza. The European edition will be published on a slightly different plan; each volume will be complete in itself, consisting of texts, critical notes, literary introduction, and indices.

Hitherto two volumes of the Oriental edition appeared, and they contain Abū Dzarr's commentary to Ibn Hishām's Biography of Muhammad and two short prefaces by the editor. Dr. Brönnle had formerly published a thesis entitled 'Die Commentatoren des Ibn Hishām und ihre Scholien', in which he gave a detailed account of Abū Dzarr and his works. He is thus singularly qualified for the task of editing this manuscript.

The present volumes are an important addition to the Tafsir literature of the Arabs. Abū Dzarr is very concise, and does not weary the reader with irrelevant verbosity which characterizes some of the Arabic commentators. He explains difficult words in a brief, but convincing, manner, and is not unlike the Jewish commentator Rashi. He avoids the pitfall of *ignotum per ignotius*, a fallacy frequently committed by Arabic commentators, who sometimes give the impression as if they aimed at displaying their

knowledge of synonyms rather than elucidating the text and clearing up difficulties.

It is impossible to pass judgement on the editor's work, as these volumes are only provided with short prefaces, which can naturally lay no claim to literary merit, for they do not touch upon any textual problem. They merely tell of the assistance obtained from royal personages, and about the various manuscripts utilized for the edition. The consonantal text is clearly and accurately printed, but the vowels which are supplied sporadically are frequently misplaced, and sometimes even wrong. This is perhaps due to the fact that Oriental printers are inexperienced in publishing vocalized texts. The editor would do well to rectify this error in the European edition.

It is to be hoped that Dr. Brönnle will continue his work and earn the gratitude of Arabic scholars all the world over.

Oriental Cairo, the City of the Arabian Nights. By DOUGLAS SLADEN. Illustrated with sixty-three intimate pictures of life in Oriental Cairo from photographs by the author, and with the newest map of Cairo. Philadelphia: J. B. LIPPINCOTT COMPANY, 1911. pp. xiv + 391.

Since Napoleon made Egypt his winter quarters, that country became the rallying-point of European and American tourists. Indeed, the tourist is such an important factor in Egyptian life, that Cairo, which is naturally the centre of attraction, assumes quite a different aspect during the season which begins in November and ends in April. As among these tourists there is a number of talented men who come not only to escape the severity of the western winter, but also to receive new impressions which they wish to record, there sprang up a vast literature on Egypt. Edward Lane, who may be regarded as the pioneer in this field, had many followers who attempted to narrate what they observed. The bulk of these books being personal impressions, they are usually not exhaustive, as many places are overlooked or disregarded by the writers, and are thus not sufficiently reliable for the traveller. On the other hand, the guide-books, such as

Baedeker and *Cook*, are only good for reference, but are too dull for reading. A book on Egypt which should at once be reliable and readable has hitherto been a desideratum. Mr. Sladen is, therefore, to be congratulated on his achievement. He succeeded in the present volume to combine the exhaustiveness of a guide-book with the fascination of a book of impressions. Possessing an artistic eye and a descriptive pen, he is able to discover beautiful things and to describe them graphically. All the thirty-four chapters are charmingly written, and some even have a fine touch of poetry about them. Mr. Sladen is very enthusiastic about the sights he describes, and by the magic of his vivid descriptions communicates his enthusiasm to the reader. Sight-seers in Cairo will, after perusing this book, find the hidden charms of the Pyramids and the Tombs of the Caliphs revealed unto them. For Mr. Sladen, beside depicting minutely most sights of interest, takes care to inform the reader at what time and by what route they may be approached with greater advantage. In reading this book one feels as if an enthusiastic guide with artistic taste and charm takes him for a pleasant excursion, pointing out all beautiful objects.

Although the author does not aim at giving historical accounts, he nevertheless embodies in every chapter well-chosen facts which would interest the average reader and sight-seer. He advisedly abstains from encumbering the reader with tedious details which are seldom retained in the mind for more than a few minutes. Those, however, who desire further information are referred to other books, whose aim it is to give detailed accounts.

The sixty-three photographs represent various aspects of native Egyptian life. They are, however, not always in their place. Thus on p. 280 there is the beginning of a chapter entitled, 'Roda Island and Moses', and there is no allusion whatsoever to the return of the Holy Carpet from Mecca. Yet it is a photograph of this imposing procession that faces p. 280. This picture naturally belongs to chapter XXI, which deals with this subject. A similar fate has befallen the only two Jewish photographs depicting a grand Jewish funeral. They are facing pp. 14, 15

respectively, but would certainly have been more suitable for pp. 223, 224, where a few lines are devoted to the description of 'a funeral of a rich Jew more magnificent than any funeral the author ever saw, except the procession of a dead monarch or a national hero'.

The meagre descriptions of native life which occur sporadically are not to be taken seriously. This may be due to the fact that Mr. Sladen is not sufficiently familiar with the Arabic language. For, after all, the first and most important qualification for the understanding of a race is to be well versed in its tongue. Moreover, Mr. Sladen is not a keen observer. He is too much engrossed in his artistic pursuits to be able to observe men of another race objectively. It is true that he caught the humour of the Esbekiya, and chapter III is certainly amusing. But this is a superficial and cheap sort of humour, which never escapes even the dullest person who visits an Oriental town for the first time.

It should be pointed out that Mr. Sladen's book is not free from political bias. The author never misses the opportunity of drawing attention to the overwhelming favour England is bestowing on the Egyptians by occupying their country. Mr. Sladen is, no doubt, entitled to his opinion about forcing improvements upon weaker races, but his book would not have suffered if he had kept his opinion to himself. But, as remarked above, Mr. Sladen is subjective in his mode of thinking. This also accounts for the fact that he cannot resist showing his contempt for American tourists, especially for those belonging to the fair sex. We are, however, ready to forgive a man his national and personal prejudices, provided he is artistic, and Mr. Sladen is artistic to a high degree.

With the exception of the short description of a grand Jewish funeral, of which mention was made before, and the obtrusively frequent allusions to Jewish women of ill-fame, there is no Jewish interest in this book. This is to be regretted, as there is a considerable Jewish population, both native and European, in Cairo, and we should have liked to get a description of it from

Mr. Sladen's pen. The Jewish Quarter (Ḥāret al-Yahūd) which branches off the Musky has a humour of its own, and offers many points of interest. Its narrow alleys, through which a carriage can hardly pass, and mediaeval synagogues are in a way quite unique.

The first three appendices which deal with 'Ways of getting to Egypt, &c.', 'Cairo is the real scene of *The Arabian Nights*', 'Artists' Bits in Cairo, &c.', are very useful. One cannot, however, see the necessity or utility of reprinting as an Appendix Mr. Roosevelt's speech on Egypt at the Guildhall.

The index, which was compiled by Miss Margaret Thomas, makes the book appear more scientific than it actually is.

Dropsie College.

B. HALPER.

PROLEGOMENA TO A GREEK-HEBREW AND HEBREW-GREEK INDEX TO AQUILA*

By JOSEPH REIDER, Dropsie College.

INTRODUCTION

1. THE Oxford Concordance to the Septuagint and the other Greek Versions of the Old Testament by Hatch and Redpath, completed in 1897¹ and with its two supplements in 1906,² follows a double plan with regard to the two

* [The Indexes to which allusion is made in the present work have been completed and the manuscript has been deposited in the Library of Dropsie College. Another student in the Biblical Department of the College is engaged in preparing similar Indexes to Theodotion, and it is hoped that the work of indexing Symmachus and the other translators recorded in the Oxford Concordance, as well as the Hexaplaric matter found in Field but not excerpted in the Concordance, will be shortly undertaken by members of the College. All these Indexes when completed will be issued in one volume, which it is hoped will be welcomed by scholars as a useful supplement to Hatch and Redpath.—Professor Margolis has appended a few notes in brackets signed with the initial M.]

¹ *A Concordance to the Septuagint and the other Greek Versions of the Old Testament (including the apocryphal books)*, by Edwin Hatch and Henry A. Redpath, assisted by other scholars. 2 vols. Oxford, 1897.—Hatch and Redpath have been preceded by Konrad Kircher *Concordantiae Vis Tⁱ Graecae, ebraeis vocibus respondentis πολυχρηστοι*, Frankf. a. M., 1607, 2 vols.; Abraham Tromm, *Concordantiae graecae versionis, vulgo dictae LXX interpretum, cujus voces secundum ordinem elementorum sermonis graeci digestae recensentur*. Amsterdam, 1718. 2 vols.; G. M[orrish], *A Handy Concordance of the LXX*. London, 1887. Mention must also be made of J. F. Schleusner, *Novus Thesaurus philologico-criticus sive lexicon in LXX*. London, 1829. In the last-named work there are found instructive observations which I have turned to good purpose.

² Fasc. I containing a concordance to the proper names occurring in the
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main sources upon which it is based. In the case of the Septuagint, under every word the citations for all the passages in which the word occurs are given with 'as far as possible enough of the context to show (1) the grammatical construction of the word, (2) the words with which it is ordinarily associated'.³ At the head of each article an alphabetically arranged list of Hebrew (Aramaic) equivalents is found, to which throughout the article reference is made by number.⁴ This plan has been deviated from in case of numerals, prepositions, and conjunctions: instead of full citations we have merely an index of passages, and furthermore the Semitic equivalents are not given. This latter method has been followed throughout for the 'other'

Septuagint. Oxford, 1900. Fasc. II containing a concordance to Ecclesiasticus, other addenda and Hebrew index to the whole work. Oxford, 1906.

³ Preface, p. v, end. The editor goes on to say: 'But to have combined in each quotation all its points either of grammatical interest or of analogy with other passages would have made the work inordinately long: and consequently it will frequently be found that the quotations under a single word are made on different principles in order to illustrate different points relating to it.'

⁴ For a criticism of the arrangement of the work, cp. Margolis, 'Entwurf zu einer revidierten Ausgabe der hebräisch-aramäischen Äquivalente in der Oxforder Concordance to the Septuagint and the other Greek Versions of the Old Testament,' *ZAW.*, XXV (1905), pp. 311 ff.; see also Smend, *Griechisch-Syrisch-Hebräischer Index zur Weisheit des Jesus Sirach*. Berlin, 1907, pp. x ff. Both Margolis and Smend object to the quid pro quos or unidentified Greek words marked by a dagger, claiming that this lack of identification impairs the usefulness of the work for lexical purposes and textual criticism. Smend, furthermore, considers altogether impractical the arrangement of the Greek citations according to the order of the books of the Bible and not (as Tromm) according to the Hebrew equivalents. He also considers it unfortunate that the Hebrew index contained in the second Supplement gives reference to the pages in which the Greek equivalents occur and not to the equivalents themselves [similarly Glaue-Rahlf's, *Fragmente e. griech. Übersetzung d. samarit. Pentateuchs*, 52. M].

Greek versions.⁵ Both for the Septuagint and the other versions certain pronouns and particles of frequent occurrence have been omitted altogether, such as, for example, *καί* and the definite article *ὁ, ἡ, τό*.⁶

2. The work to which the following pages are introductory is intended to supplement Hatch-Redpath on the sides in which the editors have left room for improvement. While the Oxford Concordance has been taken as a basis for a new double index, Greek-Hebrew and Hebrew-Greek, to Aquila, who heads the list of the 'other' versions, it has been sought to supply two main deficiencies. In the first place references are given also for words of frequent occurrence omitted in the Oxford work.⁷ In the second place every article contains the Hebrew (Aramaic) equivalents both for the articles found and those not found in Hatch-Redpath. The need for a registration of these equivalents has been felt by all students of the Greek versions. In giving these equivalents it has been deemed advisable to deviate from the method adopted by the Oxford editors. The equivalents are presented not in alphabetical order, but with regard to frequency. Another feature is

⁵ Smend, *l. c.*, considers this as one of the weak points in the Concordance.

⁶ Cp. Schmiedel, *Georg Benedict Winer's Grammatik des neutestamentlichen Sprachidioms*⁸, Göttingen, 1894, p. xv. Schmiedel not only criticizes the omission of certain prepositions and particles in the Concordance, but also the failure to reproduce the whole phrase in connexion with the prepositions and particles, for 'es kann doch keinen Augenblick zweifelhaft sein, dass hier das Ausschreiben des Textes 100 Mal wichtiger ist als z. B. bei *ἀνθρώπος* oder *ἀνήρ*'. He considers this 'den schwersten Fehler des Werkes'.

⁷ That such words are important and have a bearing on Aquila's manner of translation and exegesis may be seen from his use of the definite article, cp. Burkitt, *Fragments of the Books of Kings according to the translation of Aquila*. Cambridge, 1897, p. 12 f. See also below.

the arrangement of compounds and derivatives under the head of the *simplicia*, though the former are also entered in the alphabetical place with cross-references.⁸

3. So far as the 'other' versions and in particular Aquila, the subject of the present effort, is concerned, the material gathered together in the Oxford Concordance is based chiefly on Field's monumental work,⁹ but incorporates also later material contained in the printed works of Pitra,¹⁰ Swete,¹¹ Klostermann,¹² Morin,¹³ Burkitt,¹⁴

⁸ This plan of arrangement was outlined fully by Margolis, *l.c.* It is justified by the fact that it is in the nature of the Hebrew to ignore the shades of meaning brought out by a preposition attached to the verb in Greek; e.g. יָשַׁב may be rendered by either οἰκεῖν, ἐροικεῖν, κατοικεῖν, or παροικεῖν; and hence it is more practical to have them all grouped together.

⁹ 'Monumentum exegit, hisce diebus, Fredericus Fieldius, in summum decus utriusque Academiae Oxoniensis et Cantabrigiensis,' Pitra, *Analecta Sacra Spicilegio Solesmensi Parata*, Tom. III, p. 551. The full title of Field's work is: *Origenis Hexaplorum quae supersunt; sive Veterum Interpretum Graecorum in totum Vetus Testamentum Fragmenta*. Post Flaminium Nobilium, Drusium, et Montefalconium, adhibita etiam versione Syro-Hexaplari, concinnavit, emendavit, et multis partibus auxit Fridericus Field. Tom. II. Oxonii, 1875.

¹⁰ *Analecta Sacra Spicilegio Solesmensi Parata*. Tom. III. E Typographeo Veneto, 1883, pp. 551 ff.

¹¹ *The Old Testament in Greek according to the Septuagint*. 3 vols. Cambridge, 1887-94. Of especial value are the excerpts from Q (Codex Marchalianus).

¹² *Analecta zur Septuaginta, Hexapla und Patristik*. Leipzig, 1895, pp. 47 ff.

¹³ *Anecdota Maredsolana seu Monumenta Ecclesiasticae Antiquitatis ex MSS. codicibus nunc primum edita aut denuo illustrata*. Vol. III, Pars I: Sancti Hieronymi Presbyteri Commentarioli in Psalmos. Vol. III, Pars III: Sancti Hieronymi Presbyteri Tractatus novissime reperti. Maredsolii, 1895-1903. Valuable material bearing on the later Greek versions is found in these works of Jerome.

¹⁴ *Fragments of the Books of Kings according to the translation of Aquila*. Cambridge, 1897.

Taylor,¹⁵ and, in one instance, unpublished fragments discovered by Dr. Mercati of the Vatican Library, who 'very kindly lent the Editor . . . a transcript of the fragments'.¹⁶

4. It is to be regretted that the excerpting of Field has been done with little attention to the Hebrew,¹⁷ and betrays occasionally a mechanical haste which has resulted in the incorporation of words which never formed part of the text in question.¹⁸ But another disappointing feature

¹⁵ *Hebrew-Greek Cairo Genizah Palimpsests from the Taylor-Schechter collection, including a Fragment of the Twenty-second Psalm according to Origen's Hexapla.* Cambridge, 1900.

¹⁶ See on this find Klostermann, *ZAW.*, XVI (1896), 336 f. It is to be regretted that the important publication is still due.

¹⁷ Thus under the article *κόρος* (*satiety*) the references Exod. 8, 14 (10) *bis*; 3 Kings 5, 11 (25) are to be taken out and transferred to the preceding article *κόρος* (*corus*). The Hebrew equivalents are הָמָר in Exodus and כָּר in Kings. Another grave error of a similar character is found in the article *ἐνρίσκειν*, where Ps. 77 (78), 26 is entered for Symmachus. Field has correctly *ἐῖπον*, which the excerpter misread as *ἐῖρον*; the Hebrew is קָרִים. Hence insert on p. 579 at the head of column 3

εῖρος

[Sm., Ps. 77 (78), 26].

An example of carelessness appears to be the reference Ezek. 32, 6 for *α' σ' θ'* under the article *προχάρημα*.—Under the article *κέρδος* delete the *α'* reference (Ezek. 27, 24). Field has correctly *κέρδος* which is duly entered in the Concordance *s.v.*—The *α'* reference *s.v.* *ἀδρύνειν* should be placed under the article preceding (*ἀδρός*); at the same time write *σ'* for *α'*.—The *α'* reference *s.v.* *ἡχεῖν* Ps. 67 (68), 18 should be transferred to *σ'*. Delete the *α'* reference 3 Kings 3, 3 *s.v.* *θύειν*.—The article *κίτρος* should be credited to A1, instead of *α'*. In the article *κοσκίνωμα* add: *α' σ' θ'* Exod. 27, 4. This is a plain omission, the accompanying adjective *δικτυωτός* being duly entered *s.v.*

¹⁸ *Sub* ἐκιδόναυ the Concordance has: *α' θ'* Jer. 37 (44), 12 (which reference is repeated under *σ'*). Field gives (*Auctarium*, p. 47 f.) from codd. 86, 88 a rendering of ver. 11 f., attributed to Joannes (see Field's *Prolegomena*, pp. xciii f.), which he follows up by the scholion (from cod. 88) Καὶ οἱ λοιποὶ ὁμοίως ἐξέδωκαν. The excerpter took this to mean:

consists in the fact that the excerpter appears to have considered his task done when he paid attention to Field's text, disregarding on the whole Field's illuminating notes below, which in many instances serve to modify the text above in essential points.¹⁹

And the remaining [translators] likewise [have] ἐξέδωκαν. Of course, the correct English is: And the remaining [translators] have rendered in a like manner. The reference is to רָלְלָל, for which Joannes has εἰς τὸ νείμασθαι τὸν κλῆρον (to obtain possession of the lot), and so similarly α' θ' τοῦ μερίσθηναι σ' μερίσασθαι (on the exegesis of the Hebrew as well as on the variant reading underlying the Septuagintal rendering ἀγοράσαι, see Margolis, *JAOS.*, XXX (1910), 308 f.). On p. 1503, col. 2, ἐκζέειν α' σ', Ezek. 24. 13 (from Swete) is to be struck out. Swete adduces from Q: * θ' ἐν τη ἀκαθαρσία σου ζέμα (ζεμα with one μ, Q^a) and from Q^{ms} ad ζέμ(μ)α: α' σ' συνταγῇ ζέμα ἐξεξεσέ. The excerpter took the whole phrase as coming from α' σ', whereas it is clear that only συνταγῇ belongs to the two; what follows is a gloss on ζέμα (θ's rendering) which is erroneously combined with Greek (ἐκ)ζέειν 'boil over'.—*Sub* ἔσω strike out the references α' σ' θ' 1 Kings 26. 19, and θ' 1 Kings 25. 1. In the latter place Field has (from the margin of 243) ο' ραμα θ' το εσω 'h. e. *quod intus* (in textu) *habetur*' (so Field explicitly below the text). The purport of the marginal note is to say that Origen wrote in the Septuagint column ραμα = רָמָא, whereas θ' had the same as in the text, i. e. Ἀρμαθαίμ. In the other passage λ' τὸ ἔσω means that they read as in the text ἐν κληρονομίᾳ. Accordingly two additional entries are obtained for α' σ' θ' under ἐν and κληρονομία. A clear example of superficial haste is the ignoring of a period (.). Job 2. 9, Field prints: α' θ' καὶ εἶπεν αὐτῷ ἡ γυνή. ÷ χρόνον δὲ πολλοῦ προβεβηκότες Ψ. Οὐ κεῖται ἐν τῷ Ἑβραϊκῷ. The whole means that in the place of the Septuagintal χρόνου δὲ πολλοῦ προβεβηκότες (a free expansion) which, as is expressly noted, is not found in the Hebrew, α' θ' had merely the conjunction καί. The excerpter's eye overlooked Field's period after γυνή and thus included χρόνον (see *s. v.*) in the phrase ascribed to α' θ'; curiously enough there is no reference to Job 2. 9, α' θ' *s. vv.* πολὺς and προβαίνειν!

¹⁹ A case in point has been met at the end of the previous note, where surely a glance at Field's notes would have made impossible the error of citing *sub* ἔσω the meaningless references there given. Had the notes been consulted, a further faulty reference should have been added: α' θ' 1 Kings 25. 31 (see foot-note 45). But here Field wisely kept out of his text the phraseology of the gloss and merely registered the result. Obviously it was the excerpter's duty in every case to square the text with the notes, which,

5. Much valuable instruction as Field's notes offer, the scope of the present work would have been incomplete

however, he failed to do. The examples are so numerous that only a selection can be pointed out here. Thus *sub ἀναθεματίζειν*, Deut. 3. 3 and 6, are attributed to α'. Now Field (foot-note 1) correctly records the tradition according to which α' had ἀνεθεματίσαμεν for Θ ἐπατάξαμεν = (יְהוָה) and just as rightly remarks 'invitis Regiis tribus . . . , qui lectionem ad ver. 6 recte retrahunt'; on the basis of the latter authority he prints in ver. 6 α' ἀνεθεματίσαμεν for Θ ἐξωλοθρεύσαμεν = יִצְחָק. The Editors of the Concordance were free either to adopt Field's suggestion and therefore to quote 3. 6 or to follow tradition implicitly and hence to record 3. 3. Only by disregarding the notes was it possible for them to register both 3. 3 and 3. 6. In my own Index 3. 3 is of course deleted. Similarly the reference 4 Kings 2. 14 (for α' σ' θ') *sub κρύφιος* should be eliminated: Theodoret ascribes the rendering to 'the other ἐρμηνευταί', but Field (note 22) expressly adds 'ubi ἐρμηνευταί de enarratoribus, non de interpretibus intelligendum videtur'. We are dealing here merely with a fanciful etymology which combined αφω with Hebrew נֶכֶח and is no worse than αφω πατέρες (combined with נֶחֱ) in the Onomastica Vaticana; see Lagarde, *Onomastica Sacra*², 187. 43. As a matter of fact, α' wrote καίπερ αὐτός and σ' καὶ νῦν (see Field). Strike out also the first reference *sub φύλαξις* (α', Isa. 26. 3). See Field, under note 8; the emendation φυλάξις (of which φυλαξις is an itacistic error) εἰρήνην is self-evident. See further my Greek Index, s.v. εἰς, εἰς, ἐν, ἐπικαλύπτειν, εὐρίσκειν, ζωοῦν, ἰά, καλεῖν, σύντονος, τοῖχος. Many words and references have been incorporated by the Editors where Field has indicated his doubt by printing the phrases in question in brackets. In my Index they are omitted. Such are, for instance, Job 27. 20 ἐν περιστάσει μὴ ἐκφύγοι; Prov. 31. 3 τὰ σὰ χρήματα; Isa. 3. 8 κατὰ τοῦ κυρίου γέγονεν; *ibid.*, 40. 24 ἄνεμος; Jer. 20. 9 φέρειν; *ibid.* 31 (38). 22, ἐν τῇ σωτηρίᾳ; *ibid.* 44 (51. 29 εἰς κακά; Amos 1. 2, προβάτων. In nearly all of these cases there is no Hebrew to correspond in the MT. Field's notes, if they had been at all consulted, would have led to the transfer of several references from α' to σ', θ', or Α1. The Editors' point of view may have been to follow the traditional signature and to refrain from criticism however justified. In my own Index I have thought it advisable, with due reference to what Field has to say in the notes, to indicate a reasonable doubt in tradition by printing all such words or references in brackets. See s.v. ἀνευλαβής; ἀπόθετος Ps. 30 (31). 20; ἀποθνήσκειν Job 14. 14; ἀφοβος; διαμένειν; δυσωπείσθαι; μέγας 2 Kings 5. 10; πάλιν; παρά Jer. 52. 8; πρόσωπον Job 20. 25. I have similarly included in brackets words and references which tradition ascribes to α' and where the signature has been rightly enclosed by Field in brackets; in his notes are found the

had not an attempt been made to transcend Field in the application of critical canons to the mass of fragments which tradition ascribes to Aquila. At the time when Field published his work (1875) no continuous text of Aquila's Greek version had come to light. Foremost among the new finds exhibiting a continuous Aquila text stand Taylor's Cairo and Mercati's Milan Palimpsests of the remains of the Hexapla Psalter. In both Aquila occupies the (third) column immediately after the (second) column containing the Greek transliteration of the Hebrew. This is in conformity with the testimony of Eusebius, Jerome, and Epiphanius concerning the order of the Hexaplaric columns.²⁰ On comparing the text²¹ with the data in Field we find that though on the whole there is agreement there are nevertheless more or less important divergencies; and above all we are taught to distrust the signatures which Field faithfully copied from his sources.²²

reasons upon which he bases his doubts. For examples, see my Index, *s. v.* *εὐθύτης* Jer. 13. 10; *ἐν* 1 Kings 14. 18; *θεός* *ibid.*; *καρδία* Jer. 13. 10; *μετά* Gen. 16, 6; *παρεμβολή* 1 Kings 14. 18; *πονηρός* Jer. 13. 10; *ὑπαναχωρεῖν*; *φυγή*.

²⁰ See Swete, *Introduction to the OT. in Greek*, 1900, 64.

²¹ Ps. 21 (22). 20-27, Taylor; 45 (46). 1-4, Mercati *apud* Klostermann, *ZAW.*, XVI (1896), 336 f. (Swete, *l. c.*, 62 f.).

²² Here is a collation in detail (including also the data for *σ' θ'*): Ps. 21. 15 *σ' (καὶ) διέστη* F(ield) = *καὶ διέστη* T(aylor): 17 *σ' ὅτι ἐκκύκλωσάν με θηραταί* F contrast *περικυκλώ* (*sic*) *γὰρ με κυνὲς* T; 21 *α' μοναχὴν (μου) σ' τὴν μονότητά μου* (in part based on Syrohex.) F = *α' μοναχὴν μου σ' τὴν μονοτητα μου* T; Ps. 45. 1 *α' τῷ νικοποιῶ τῶν υἱῶν Κορὲ ἐπὶ νεανιοτήτων μελώδημα* F = M(ercati) with the exception of the last word which is *σσμα* in M (see my Index, *s. v.* *μελώδημα*: it is used for *רַבִּי* only in this place, while in the other twenty instances it invariably renders *רַבִּי*; while *ᾠσμα* = *רַבִּי* in all cases but one); on the other hand *σ' 's* rendering in F tallies in every particular with that in M; 2 *α' σ' εὐρέθη σφύδρα. Ἄλλος ἐν θλίψεσιν εὐρισκόμενος* (Field's sources are Syrohex. *هو. ه. افسد بسا. افسد*)—Field adds that the Syrian must have followed a faulty reading *εὐρέθης σφύδρα*—and Chrysost.:.

Next in order come the Palimpsests from the Taylor-Schechter Genizah Collection edited by Burkitt and Taylor, which show us manuscripts of Aquila as they were current among Greek-speaking Jews in a form which in its origin is older than the Hexapla. The portions extant cover 3 Kings 21 (20). 9-17; 4 Kings 23. 12-27; Ps. 89 (90). 17; 90 (91); 91 (92). 1-10; 95 (96). 7-13; 96 (97); 97 (98). 3; 101 (102). 16-29; 102 (103). 1-13; and the text is continuous (barring lacunae owing to the imperfect condition of the manuscript). In designating the version as Aquila's no external evidence such as the Hexapla Fragments revealed was available, and the editors were thrown back upon the scanty citations in Field, but in the main upon the internal character of the version which comports with the general statements concerning it in patristic literature.²³

Ἄλλος· ἐν θλ. εὐρισκόμενος; Nobil.: Οἱ λοιποὶ· εὐρέθη εὐρισκόμενος, which Field rightly divides into εὐρέθη and εὐρισκόμενος) F comp. α' ἐν θλιψεσιν ευρεθης (the actual faulty reading presupposed by Syrohex.) σφοδρα σ' ἐν θλιψεσιν ευρισκομενος σφοδρα M (while σ' rightly took שָׁדְרָא to be a participle, α' rendered it as a perfect); 3 α' σφάλλῃσθαι σ' κλίνῃσθαι F = M; 4 α' ὑπερφηανία F = M; the long quotation from σ' in F agrees with M except that αὐτῶν is omitted in M (see Field's note). It is interesting in this connexion to study the bearing of the new texts on the Syrohex. material which Field has done into Greek. 21. 17 σ' ἐκύκλωσαν F contrast περιηλθον T (the Syriac has ܠܠܝܠܝܠܝܠ both for α' and σ'; but ܠܠܝܠܝܠ corresponds to κυκλοῦν, comp. for instance Joshua 6. 3, 4, 15, and also to περιέρχεσθαι, comp. Joshua 6. 7, 11, 15); σ' ὡς ζητοῦντες δῆσαι χεῖράς μου καὶ πόδας μου F contrast ὡς λεωντας χειρας μου και τους ποδας μου T; 18 σ' only ἐμοῖς is to be corrected into μου and καὶ excised; 20 α' σ' σπεῦσον F = T; 22 α' εἰσήκουσάς με F contrast εἰσ[α]κουσον μου T, σ' τὴν κάκωσίν μου F = T; 25 α' ἀπ' αὐτοῦ F contrast ἐξ αὐτου T; 26 α' πολλῇ F = T; 27 πρᾶεῖς *sine nomine* (strike out the article) F = α' T; 45. 3 α' σ' ἐν τῷ ἀλλάσσεσθαι τὴν γῆν F contrast α' ἐν τῷ ἀνταλλάσσεσθαι γῆν (note the compound and the omission of the article) σ' ἐν ταις (γ. ται) συγχεῖσθαι γῆν M; *ibid.*, in α' strike out the article (ὑρῆ); 4 according to M α' has αε[ι] for ܐܝܬܝ.

²³ See the references below (Chapter I).

Now in comparing these texts with Field we find again notable agreement, but also differences and untrustworthy signatures.²⁴ It is therefore clear that where Field is our sole authority for an Aquila rendering the whole force of internal evidence must come into play if we are minded to give to Aquila what is his and not perchance the property of another. Field's sources, whether we consider the stores collected by his predecessors²⁵ or his own notable additions, are ultimately patristic citations or excerpts from the Hexaplaric columns found between the lines or on the margin of codices of the Septuagint, or again asterisked elements of the fifth Hexaplar column to which a signature is attached. Aside from the fact that Field will bear

²⁴ Thus, to mention only important deviations, Ps. 90. 6 ῥήματος (which would presuppose דְּבַר for דְּבַר, F contrast λοιμου T (which reading Field postulates in note 12 on the basis of Syrohex.); 11 T has σε after ἐντελεται (r. σοι = לך); 91. 4 ἐβλη F contrast ναβλη T; 7 the first και in F is rightly missing in T (comp. Hebr.). T frequently omits the article where F has it (so Ps. 90. 1, 2, 7, 12; 95. 7 bis, 11, 12 bis); the matter has some importance in dealing with a's manner of translation.

Thus F's doubt as to the correctness of the signature 90. 4 end is substantiated by T: in the place of ὡς πανοπλία α' has simply ασπισ; *ibid.*, 7 the double signature α' σ' is to be taken *a parte potiori*; according to T α' has not εκ but απο; as for the article see preceding note.

²⁵ The first to collect Hexaplaric fragments was Petrus Morinus who incorporated them in annotations to the so-called editio Sixtina or Romana of the Greek Bible, published in 1587 at Rome. After him Joannes Drusius published the same material under the title: *Veterum Interpretum Graecorum in totum V. T. Fragmenta, collecta, versa et notis illustrata a Johanne Drusio*, Arnheim, 1622. Drusius's work was followed by Lambertus Bos, *Vetus Testamentum ex versione LXX interpretum secundum exemplar Vaticanum Romae editum, una cum Scholiis ejusdem editionis, variis MSS. codicum veterumque exemplarium lectionibus, necnon Fragmentis versionum Aquilae, Symmachi et Theodotionis*, Franequerae, 1709. A more complete edition was that of D. Bernardus de Montfaucon, the immediate predecessor of Field. His work is entitled: *Origenis Hexaplorum quae supersunt, multis partibus auctiora quam a Flammio Nobilio et Joanne Drusio edita fuerint*. Tom. II. Parisiis, 1713.

correction from an ocular inspection of the codices he quotes on the authority of his predecessors or the 'schedae Holmesianae'—the margin of the Larger Cambridge Septuagint, as well as the works of Pitra and Swete, yield important material—caution is requisite even where there is no ground to suspect that the manuscripts have in any way been departed from. In the first place the signatures may be wrong,²⁶ or the notes may have been

²⁶ There is particular cause for doubt where a rendering is ascribed to *a'* in common with other translators. Comp. Ps. 48 (49). 18 *a'* *θ'* *ε'* *ἀκολουθοῦσα*; this is true enough so far as *σ'* goes, comp. the phrase in full preserved in another source οὐδὲ συγκαταβήσεται ἀκολουθοῦσα αὐτῷ ἢ δόξα αὐτοῦ, whereas according to the same source *a'* wrote οὐδὲ συγκαταβήσεται ὀπίσω αὐτοῦ δόξα αὐτοῦ. Now ἀκολουθεῖν is never elsewhere used by *a'*, while *σ'* apparently is very fond of the verb (see *Concordance*, s.v.). Very likely the ascription to *a'* rests on an error.—Isa. 22. 14 אֲמַר אֲדֹנָי יְהוֹה אֲבָחָהּ *a'* *θ'* εἶπεν κύριος κύριος τῶν δυνάμεων. Montfaucon referred it rightly to *σ'* *θ'*, stating as his reason that *a'* always puts στρατιῶν for אֲבָחָהּ. See furthermore below.—Examples with *a'* included in the generic signature *οἱ λοιποί*: 1 Kings 20. 19 וְיִשְׁלַחְתָּ הַיּוֹם אֶת הַיָּדָאִית *οἱ λ.* καὶ τῇ τρίτῃ, but we have for *a'* with specific ascription καὶ τρισεύσας; 4 Kings 15. 5 בְּבֵית הַחַפְּזִית *οἱ λ.* κρυφαίως (Theodoret), but contrast *a'* ἐν οἴκῳ τῆς ἐλευθερίας (cod. 243 supported by the Syrohex.); Job 21. 23 הַמֵּצֵם *οἱ λ.* ἰσχύων ἄμωμος but contrast *a'* ἐν ὀστεώσιν ἀπλότῃτος αὐτοῦ so characteristically in conformity with *a'*'s diction; Ps. 36 (37). 37 f. *οἱ λ.* τὰ μέλλοντα (ver. 37) τὰ ἔσχατα (ver. 38) (Procop.; this is the meaning of his remark though it is a trifle confused) which is true enough for *σ'* who writes μέλλοντα in ver. 37 and τὰ ἔσχατα in ver. 38, while *a'* is expressly credited with ἔσχατον (note the sing.) in both verses; Ezek. 1. 24 שְׁרֵי *λ.* θεοῦ σαδδαῖ but contrast *a'* ἱκανοῦ (*a'* nowhere else transliterates שְׁרֵי); 12. 10 הָיָה הַמִּצָּנָה הַמִּצָּנָה *θ'* καὶ *λ.* ὁ ἄρχων ὁ ἀφηγούμενος οὗτος but contrast *a'* τὸ ἐπηρμένον τὸ ἄρμα τοῦτο and *σ'* περὶ τοῦ ἀρχοντος τὸ λῆμμα τοῦτο; Hos. 10. 15 בְּשַׁחַר *οἱ λ.* ὡς ὄρθρος but contrast *a'* ἐν ὄρθρῳ. While in all these cases the conflicting testimony may be explained as going back to the two editions of Aquila (see below), it is just as likely, and in many instances much more probable, that the inclusion of *a'* under *οἱ λοιποί* rests on an error. Important in this connexion is the remark of Prof. G. F. Moore (*AJSL.*, XXIX (1912), 39, n. 9) that 'Field, in the greater part of his Hexapla, follows Montfaucon in the error' of resolving the construction *λ.*, which is found on the margin of codd. of the

attached to the wrong word.²⁷ Then we meet with doublets, one element in which alone can belong to Aquila.²⁸ Quite another matter are parallel renderings

Septuagint, by *λοιποὶ*, whereas in reality Lucian (*Λουκιανός*) was meant. Comp., e.g., Num. 3. 22 in BM, where *א' ס'* render *בְּקִירֵיהֶם* by *επισκεμμενοι*, while to *λ* (as well as *ο'*) is attributed *επισκεψις*.

²⁷ Thus Job 38. 7 Field cites *א' θ' ἅμα υἱοὶ θεοῦ* to the words of the text *כָּל־בְּנֵי יִשְׂרָאֵל* (ὅς πάντες ἄγγελοι μου; but while *ἅμα* is found for *כָּל* (ἡ ἐκκλησία ἅμα *כָּל* הקהל) 2 Chron. 30. 23 (ὅς), it is unlikely that *א'* would indulge in such freedom; it is more probable that *ἅμα* in Field's source was misplaced from the line above and belongs in front of *ἄστρα*, where indeed Syrohex. places it (see Field).—Isa. 30. 33, I am inclined to think that *א' κέδρινα* does not belong to *מִדְּרֵתָהּ* but to *נִפְרִית*, comp. *עֵצִי נִפְרַר* Gen. 6. 14 *εν τω εβραιω εφ' εϋλων κεδρινων* ^{im} (BM); but it ought to be stated that *א'* has there *ασηπτων τεθε(ι)ωμενων*.—Zeph. 1. 12 *שִׁפְחֹתַי* οἱ λοιποὶ καὶ ἐκδικήσω: not only *καὶ* is puzzling here but also *ἐκδικεῖν*, which is used by *א' ס' θ' Ἑβραῖος* and Ἄλλος for *נָקַם* only and is not so easy as an equivalent for *חָפַץ*; hence Schleusner may be right with his suggestion that *καὶ ἐκδικήσω* belongs to the following *וּבְפִקְחֵיהֶם* [Schleusner is wrong. (ὅς) has itself *καὶ ἐκδικήσω*; hence the marginal note would have been purposeless. Moreover, according to Dr. Reider's own Index, *פָּקַר* is rendered uniformly in *א' ἐπισκέπτειν*. MJ].

²⁸ Here is a list which is fairly complete: Exod. 28. 33 BM register for *α' διαφορου διβαφου* for *שָׁנִי*, but the former alone belongs to *א'*, who uses it four more times for *שָׁנִי* (which he derives from *שָׁנָה* = be different), while the second is peculiar to *ס'* alone, who employs it also 28. 5; 35. 23, 35.—Judges 18. 7 *α' καὶ οὐκ ἐνῆν κατασχύνων οὐδὲ διατρέπων*, Field casts suspicion on the derivation of the rendering as a whole from *א'*, pointing to Job 11. 3, where *א'* has *ἐντρέπων* for *מִכְלִים*, and to Isa. 29. 22, where the rarer verb *διατρέπεσθαι* is used by *ס'* (for Hebr. *חָוַר*, *θ'* has *ἐν-*); to which may be added that *κατασχύνων* and *διατρέπων* are apparently parallel renderings for Hebr. *מִכְלִים* and that the same doublet, only in an inverted order, occurs in the B text of the Septuagint (which also has a doublet for *עָצָר*: *ἐκπιέζων θησαυροῦ*; the second element would appear to have been introduced from Origen, see Field); there is no reason therefore to discard the entire rendering as not belonging to *א'*; it is true, *ἐνῆν* does not sound as an *α'* rendering; but of the two verbs used for *מִכְלִים* *κατασχύνων* might credibly be assigned to *א'*, and it should be excised in the B text as a foreign element.—2 Kings 3. 22 *מִהֶגְדֹּד א' (ἀπὸ) τοῦ γεῆδουρ μονοζάνου*, Field calls the whole rendering in question in view of the express citation *α' ἀπὸ τοῦ ἐνζάνου* in cod. 243 and parallel passages where *α'* consistently writes *εὐζανος* for *הֶגְדֹּד*; still the case may be disposed of in this way: in the

ascribed to Aquila which go back to the two editions of his work; the subject is adequately dealt with by Field in his *Prolegomena*.²⁹

Naturally enough the text of Aquila is here and there handed down in a faulty condition. No mention shall be made here of errors set right by Field; but a few which have escaped his attention are given below.³⁰ Lastly, an

doublet *μονοζώνου* represents a textual variant of *ευζωνου*, while the transliteration cannot possibly come from *α'*, γεδδούρ for גִּדְדִּי being found in the Septuagint of Kings and Chronicles (see 1 Kings 30. 8, 15, 15, 23; 1 Chron. 12. 21 (22); [2 Chron. 22. 1, 93^{ms}; comp. also 1 Ch. 12. 7 (8) γεδ(δ)ωρ. M]).—Jer. 20. 2 οἱ γ' καὶ ἐνέβαλεν καὶ ἔδωκεν: this note should be corrected in accordance with Q^{ms} καὶ ἐνέβαλεν οἱ γ' καὶ ἔδωκεν, Hebr. וְיָתִי.—Add from Pitra, Exod. 8. 7 (3) בְּלִיְיָ א' ἐν ἡρεμαίῳ ἀποκρύφῳ, where the second element does not belong to *α'*, see Field *ad loc.* and comp. 7. 11, 22; also Ps. 20 (21). 12 α' ἐλογίσαντο ἐννοίας βουλὴν ἣν οὐ μὴ δύνωνται ἀδυνάτους; σ' διελογίσαντο βουλὰς ἃς οὐ μὴ δύνωνται; θ' ἐλογίσαντο ἀπ' ἐννοίαν οὐ μὴ δύν.: there is much confusion here, one is tempted to vindicate for *α'* what is ascribed to *θ'* (comp. ἀπ' = כֹּ of כִּנְיָ taken as a preposition, but it exercises no influence on the construction, the noun being placed in the accusative; furthermore, absence of the relative exactly as in Hebrew); in the rendering attributed to *α'* ἀδυνάτους and ἐννοίας belong to *σ'* (see Field).

²⁹ pp. xxiv ff.

³⁰ Thus Job 21. 17 אִי א' ἐπικλυσμός is probably to be emended to ἐπιβλυσμός: the former is found only once in the Greek Bible (*σ'* for Hebrew אִי Dan. 9. 26), while the latter is exclusively an *α'* word and is used uniformly for אִי; the interchange of *κ* and *β* is a usual occurrence in cursive script.—Ps. 34 (35). 28 תְּהַלֵּל א' ὑμνήσει σε read perhaps ὑμνησῶ σου = ὑμνησίν σου; certainly it is unlikely that *α'* read תְּהַלֵּל.—82 (83), 3 ὠκλασαν is probably miswritten for ὠχλασαν; see Index, *s. v.* ὠχλάζειν.—Isa. 7. 20 אֲשִׁרָה בְּמִלְכָּה א' ἐν βασιλείᾳ Ἀσσυρίων read ἐν βασιλεῖ Ἀσσυρίων (a dittographed).—Jer. 5. 31 יָרֵד א' ἐπεκρότουν has been emended by Cappellus and L. Bos (*arud* Schleusner) to ἐπεκρότουν; the same error underlies ἐπεκρότησαν in the Septuagint, comp. also 3 Kings 9. 23 A.—6. 25 לְאֹיִב א' τῶν ἐθνῶν read τῶν ἐχθρῶν.—Ezek. 19. 7 אֶלְמִנֹתַי א' χάρας read χήρας.—26. 4 חֲמוֹת צַר א' σ' θ (τὰ τείχη) σου read σὺρ, comp. Θ.—Hos. 12. 8 (9) לִי אֹיִן א' ἀναφελὲς αὐτῷ read ἐμναυτῷ like Θ.—From Pitra: Gen. 14. 23 α' ἰμάτιον read ἰμάντος, so j^m s^m according to BM (see also Field, n. 23), Hebr. אֶרְוִי; 15. 12 תִּרְמָחָה א' κάρσος σ' κάρος, comp. α' κορος (κορσος C₂)

important point, to which as far as I know scant attention has been paid, deserves on that very account to be emphasized. It follows from the nature of the majority of notes, be they patristic or marginal, that the aim is to contrast a rendering of the later Greek versions with that in the Septuagint. Where the rendering consists of a whole phrase the tendency was to be accurate in the point of difference which was essential for the moment, and to be less exact with non-essentials which were therefore accommodated to the diction of the Septuagint. In other words, renderings ascribed to the Three are frequently to be understood *a parte potiori*. To illustrate by an example: Joshua 1. 1 אֶל־יְהוֹשֻׁעַ בֶּן־נֹון, Θ τῷ Ἰησοῖ νίῳ Ναυή. α' σ' πρὸς Ἰησοῦν νιδὸν Ναυή; the salient point is that whereas Θ construed εἶπεν with the dative, both α' and σ' wrote πρὸς c. acc. for Hebr. אֶל; that much may be relied upon; but it would be hazardous to follow the source for the other parts of the phrase; α' at least cannot be credited with the graecized Ἰησοῦν, for well-understood reasons; Deut. 1. 38 we know from the margin of M that α' wrote Ἰωσουα (so BM; Field has Ἰησουα); accordingly α' must have written here πρὸς Ἰωσουα, and we may even go farther and complete the phrase to read νιδὸν Νουν (we find Exod. 33. 11 νυν in F^b and Deut. 1. 38 νουη in F^b M^m, read in both places Νουν, comp. Θ 1 Chron. 7. 27 where Νουμ BA should of course be corrected into Νουν, so Lagarde's text). Instructive is also the following example: Job 5. 5 וְאֶל־מַצְנִים יִקְחָהוּ, Θ αὐτοὶ δὲ ἐκ κακῶν οὐκ ἐξαίρετοι ἔσονται, α' αὐτὸς δὲ πρὸς σ' καρος j^m s^m v^m c^{3m} in BM who also quote α' σ' nausea from Barh.; Field prints in the text α' κάρος σ' κάρος, he adds in a note that though the α' reading which he prints is best attested it is nevertheless unsatisfactory; it would seem to me that both α' and σ' wrote κάρος, which alone corresponds to the Hebrew.

ἐνόπλων ἀρθήσεται, σ' αὐτοὶ δὲ πρὸς ἐνόπλων ἀρθήσονται. It is evident at a glance that personal pronoun + δέ, common to all these versions, really belongs to Θ (and σ'): apart from the fact that α' could not have used it because it has no equivalent in MT, the phrase itself is foreign to α''s diction while being peculiar to the Septuagint; note the use of δέ, whereas α' would employ καί. This being of less moment they were not exact in quoting it, while quoting carefully the point of difference: πρὸς ἐνόπλων ἀρθήσεται.

6. It is obvious that my own Index, constructed as it is with due regard to the critical points just enumerated, will in turn furnish a means by which many questions of detail will solve themselves. For naturally the double Index, Greek-Hebrew and Hebrew-Greek, resolves itself into a complete storehouse of observations concerning the various sides of Aquila as a translator and student of the Scriptures. By way of summing up the material which is necessarily scattered in the Index itself, I propose to present in the following chapters a study of

- I. Aquila's Manner of Translation;
- II. Aquila's Knowledge of the Hebrew Grammar and Lexicon;
- III. Aquila's Exegesis;
- IV. The Hebrew Text underlying Aquila's Version.

In the concluding pages a number of unsolved problems will be laid before the reader.

CHAPTER I

AQUILA'S MANNER OF TRANSLATION

7. THE character of Aquila's Greek style which is bound up with his mannerism as a translator is customarily summed up in the one epithet: extremely literal. Already from antiquity we have comments which run to the effect that Aquila was 'a slave to the letter' (δουλεύων τῇ 'Εβραϊκῇ λέξει),³¹ who strove to render 'not merely words, but even syllables and letters (*qui non solum verba, sed etymologias quoque verborum transferre conatus est . . . et syllabas interpretatur et literas*)'.³² The standard examples by which these comments were accompanied refer in the first place to the rendering of the *nota accusativi* אָנ by συν, as, for instance, Gen. I. 1 ἐν κεφαλαίῳ ἔκτισεν θεὸς σὺν τὸν οὐρανὸν καὶ σὺν τῇ γῇ,³³ and in the second place to

³¹ Origen, *Epist. ad Afric.* 3.

³² Jerome, *Epist. LVII ad Pammachium*, 11.

³³ *Ibid.*, supplemented by Field from Philoponus; comp. now BM (from U₂). See Index, s.v. συν. This particle is used whenever אָנ is followed by the Hebrew article or by אֵל, otherwise the Greek article takes the place of σὺν. Furthermore, σὺν when employed for the *nota accusativi* אָנ, has no influence on the construction. Comp. on all this Burkitt, *Fragments of the Books of Kings*, &c., p. 12. This rule, it must be remembered, is based only on the later finds; in Field's *Hexapla*, owing probably to the fault of the copyists, σὺν is very often missing where we have reason to expect it. There can be no question but that א' in his anxiety to express in Greek the Hebrew particle followed the hermeneutics of the day, according to which אָנ no less than אָנ and אָנ served to indicate inclusion (רְבִי); see XXXII Middot of R. Jose the Galilean, § 1, ed. Katzenellenbogen, pp. 9 ff.; Berakot 14 b, l. 9 from below; b. Pesahim 22 b; Hagigah 12 a; Gen. r. I. 14 (ed. Theodor, p. 12); Mielziner, *Introduction to the Talmud*, pp. 124 f., 182 ff.; Strack, *Einleitung in den Talmud*⁴, 124; Friedmann, *Onkelos und Akylas*, p. 33,

such odd words or new coinages as $\chi\epsilon\upsilon\mu\alpha$, $\delta\pi\omega\rho\iota\sigma\mu\acute{o}\varsigma$, $\sigma\tau\iota\lambda\pi\nu\acute{o}\tau\eta\varsigma$ for יָזַן , הִירֵשׁ , יִצְהָר .³⁴ Another instance of 'unseemly' slavishness and 'cacophony' which is singled out is the repetition after the manner of Hebrew of an

n. 2). So in this very passage, e.g., the Rabbis say that אֵת הַשָּׁמַיִם is inclusive of sun, moon, and stars, and אֵת הָאָרֶץ of trees, herbs, and the Garden of Eden. It is immaterial for our purposes whether the Middah in question was evolved by Akiba or his predecessors, nor does it matter whether Aquila was a pupil of R. Akiba (or, according to another account, of R. Eliezer and R. Joshua) or merely a contemporary of these scholars, as Friedmann, *l. c.*, contends; it is sufficient to know that α' 's literalism was in deference to the hermeneutics of the day.

Although the Concordance registers $\sigma\upsilon\nu$ c. acc. also for σ' and θ' , a doubt may be expressed as to whether these two translators could be guilty of so pronounced a literalism which according to the uniform testimony of antiquity characterizes α' alone. Where, as in Jer. 28 (35). 10 and 32 (39). 9, the signature is generic (γ' or $\pi\alpha\nu\tau\epsilon\varsigma$), it is safe to say that $\sigma\upsilon\nu$ belongs to α' alone; instructive is the second passage where Q^{ms} (see Swete) ignores the particle. Elsewhere the particle is found in front of $\pi\alpha\varsigma$ and we should probably read $\sigma\upsilon\mu\pi\alpha\varsigma$ (comp. e.g. Jer. 35 (42). 18 Field as against Swete). There still remain examples where the signature is specific and $\pi\alpha\varsigma$ does not follow (comp. Isa. 49. 21 α' θ' ; Jer. 32 (39). 14 θ' , both Swete). It will hardly do on the basis of evidence so scanty to acquiesce in ascribing $\sigma\upsilon\nu$ c. acc. to σ' or θ' .

As for the references adduced in the Concordance for the Septuagint, the examples outside Ecclesiastes are all found in additions peculiar to certain MSS. (A and others) and going back to the Hexapla. In one instance, the long passage 3 Kings 14. 1–20, we have the express testimony of a scholion in Syrohex. according to which the whole passage came from α' . It will be shown below that that can be understood only *a parte potiori*. As for Ecclesiastes, the safest way to account for $\sigma\upsilon\nu$ and similar mannerisms reminiscent of α' is to say that we are dealing with a translator who though not α' himself belonged to the same school as α' (see on this question Graetz, *Kohélet*, 174 ff.; Renan, *L'Ecclesiaste*, 54 ff.; Klostermann, *De libri Coheleth versione Alexandrina*, 41 ff.).

³⁴ Comp. Jerome. *l. c.*: 'Quis enim pro frumento et vino et oleo, possit vel legere, vel intelligere, $\chi\epsilon\upsilon\mu\alpha$, $\delta\pi\omega\rho\iota\sigma\mu\acute{o}\nu$, $\sigma\tau\iota\lambda\pi\nu\acute{o}\tau\eta\tau\alpha$, quod nos possumus dicere *fusionem*, *pomationemque*, et *splendentiam*?—As for יָזַן , compare Arab. ذَجَن ('rain, pour') which Saadya employs for that word, comp. Merx's *Archiv*, I, 51, n. 2.

object numbered after each element of a compound number, as Gen. 5. 5 ἑννακόςια ἔτος καὶ τριάκοντα ἔτος for שָׁנָה וְשָׁלֹשִׁים וְשָׁנָה מֵאָה וְשָׁנָה.³⁵

8. It is not always, however, in a tone of scorn that Aquila's literalness is spoken of. Both Origen and Jerome, whose words of condemnation have been alluded to, at other times indulge in words of praise. Thus the Greek Father speaks of Aquila as 'having striven emulously to bring out the proper meaning of words' (ὁ κυριώτατα ἐρμηνεύειν φιλοτιμούμενος Ἀκύλας),³⁶ and the Latin designates him an 'industrious and painstaking translator, very learned in the Greek language' (*diligens et curiosus interpres . . . eruditissimus linguae Graecae*).³⁷ And this twofold verdict has been repeated ever since down to our own day. Thus Voss refers to Aquila's version as 'obscure and unseemly in the extreme, devoid of sense' (*obscurissima et distortissima et nullam sensus rationem habuisse videtur*).³⁸ Burkitt says of the Fragment published by him: 'It is written in Greek more uncouth than has ever before issued from the Cambridge University Press';³⁹ and Thackeray speaks of Aquila's 'barbarous version'.⁴⁰ On the other hand there are not lacking, according to Field, evidences of elegance and, so far as the vocabulary is concerned, traces of the influence of Homer and Herodotus.⁴¹

9. There is no gainsaying the pedantic literalness of Aquila's version imparting to it, as it does on the whole,

³⁵ Epiphanius, *De Mens. et Pond.*, ed. Lagarde (*Symmicta*, I), 154.

³⁶ Quoted by Field, p. xxi.

³⁷ See Comm. on Hosea, 2. 16-17 (Vallarsi, VI, 25); on Isa. 49. 5-6 (Vallarsi, IV, 564). See also Epist. 32 ad Marcellam (Vallarsi, I, 152) and Comm. on Hab. 3. 11-13 (Vallarsi, VI, 656).

³⁸ Quoted by Hody, *De Bibliorum textibus originalibus*, p. 578.

³⁹ *JQR.*, X (1898), 208.

⁴⁰ *I.c.*, 9.

⁴¹ p. xxiii f.

the character of an interlinear. The extreme fidelity to the Hebrew and the offences against the genius of the Greek language show themselves in a variety of ways. To begin with, Aquila adheres closely to the Hebrew form of proper names and that in the pronunciation of his day. We can understand well enough why Joshua becomes with him *Ιωσωνα* instead of *Ιησους*; ⁴² but he also writes and treats as indeclinables *Ελκιαου* (Θ *Χελκίας*, r. *Χελκίας*), *Ιωσιαου* nom. and gen. (Θ *Ιωσ(ε)ίας*, *Ιωσ(ε)ία*), *Μενασσε* (Θ *Μαρασσης*), *Μωση* gen. (Θ *Μουση* or *Μουσεως*), *Σο[λ]ωμω* (Θ *Σάλωμων*)—*τοῖς Ασθαρωθ* (Θ *τη Ασταρτη*)—*Βηθηλ* (Θ *Βαιθηλ*), *Τ(ε)ιων*, ⁴³ Ps. 101 (102). 17, 22 (Θ *Σ(ε)ιων*)—*φεσα* 4 Kings 23 (comp. also *φεσε*, Deut. 16. 1 and *φασε*⟨χ⟩ Joshua 5. 10; Θ *πασχα*). Even the *nomen gentilitium*, though Hellenized usually, is sometimes found in an altogether Hebrew garb; comp. Gen. 14. 3 *אַמֹרִי* = *Ἀμωρί*; *יִרְיָנִי* = *Γηρσοννει*, Num. 3. 23; *שָׁמְרַי* = *Σαμραμεί*, Num. 26. 20 (24); *מַחֲאֲבִי* = *Μαχαθί*, Deut. 3. 14 [but in this particular *a'* does not stand out by himself. M]. The impression produced upon a Greek ear may be likened to the aversion with which in a modern Jewish translation some such transliterations as Joshiyyahu, Moshe, Shelomoh, Tsiyyon, Pesa(c)h would be received.⁴⁴ It should be borne in mind,

⁴² See above, § 5.

⁴³ The *π* apparently is meant to bring out the specific pronunciation of *צ*. Another example is *εν ετιειμ* for *בְּצִיִּם* Ezek. 30. 9: *εν ετιειμ* = *β* (= *εν*) + *ετιειμ*. Comp. with both *τιαδη* B* for the letter *צ* Lam. 1-4.

⁴⁴ As for the manner in which the Septuagint deals with proper names, see Thackeray, § 11. The extreme of Hellenization is found in 1 Esdras and Josephus: Thackeray, § 11. 2. As for *φασεχ*, it is found outside *a'* in *σ'* (Exod. 12. 11, 27; Num. 9. 2; Joshua 5. 10) and in Θ only in 2 Chron. 30 and 35 (see Torrey, *Ezra Studies*, 67) and Jer. 38 (31). 8, where the translator misread *בְּמִוְעַר פֶּסַח* as *בְּמִוְעַר פֶּסַח* *ἐν ἐορτῇ φασεκ*. *a'* probably wrote *φεσα* or *φεσε* but hardly *φασεχ*; see Chapter 11.

which, as the case may be, is either real or imaginary. Thus, in addition to the standard example adduced above,⁴⁹ the following instances are instructive:⁵⁰ ἀγνόνημα being the equivalent of either מְשֹׁנֶה or שִׁנְיָה, ἀγνοηματίζειν is formed to render הִשְׁנֶה; ἄλαλος being used for אִלָּל, ἀλαλεῖν and ἀλαλοῦν pass. are coined for נִלְלָם; ἀλοιφή = כֶּפֶר, hence ἀλοιφᾶν = כִּפֶּר; ἀναβόλαιον is a's word for מִטָּה, and in conformity with it he renders הָטָה and הִטָּה by ἀναβολεῖσθαι; ἀνόητος = כְּסִיל, hence ἀνοητίζειν pass. = כִּסֵּל; ἀνυπερθεσία = הֶעָרָה, ἀνυπερθετεῖν = הִתְעָרָה; ἀσύνητος = בַּעַר, ἀσυνετίζεσθαι = כִּעֵר; ἀφημένον = נִנְיָה from ἀφή = נָנַי; βελτιοῦν or βελτύνειν = הִיטִיב from βελτίον = טוֹב; βρωματίζειν = הִאֲכִיל from βρώμα = אֲכָל or מִאֲכָל; διαβηματίζειν = צָעַר from διάβημα = צָעַר or הִצָּעַר; διαδηματίζεσθαι = כָּתַר with a view to διάδημα = כָּתַר; ἐκλεκτοῦν pass. = כָּרַר niph. and ἐκλεκτός = כָּרַר and ἐκλεκτόν = כָּרַר (corn); ἐπιστήμων = מְשִׁכִּיל, ἐπιστημοῦν = הִשְׁכִּיל; εὐζωνία = נָי, εὐζωνίζειν = נָדַר; εὐπρεπής for נָעִים gave rise to εὐπρεπείν or εὐπρεποῦν for נָעַר, similarly εὐπρεπίζειν pass. for נָעַר; θυρεοῦν for נָנַי arose from θυρέος = מִנָּי; κατάρροια pl. = מִלִּיָּה from καταρρεῖν = נָלַל; λαιλαπίζειν = הִתְעָרָה from λαῖλαψ = הִתְעָרָה or כִּעֵר; λεπτόν = דָּר from λεπτός = דָּר; λιθολογεῖσθαι = הִתְעָרָה from λιθολογία = נָעִים; μοναχοῦν = יָחַד from μοναχός = יָחַד; ὀρνίσειν = צִפְצִף from ὄρνεον = צִפּוֹר; ὀστέωνος = עֲצוֹם, ὀστέωσις = עֲצָמָה, and ὀστοῖνος again = עֲצוֹם are all due to ὀστέον or ὀστοῦν = עֲצָם; ὀχλάζειν = הִתְעָרָה comes from ὄχλος = הֶמְדָּה; παραπληκτεῖσθαι = הִשְׁתַּחֲזַק from παραπληξία = שִׁנְיָה; παραφέρων = יוֹבֵל with an allusion to יָבַל; περιβλεπτα = מְבַיֵּי combined with the root בָּהַ, comp. ⑥ Exod. 2. 12; παρσιά-

⁴⁹ See § 7.

⁵⁰ The greater number has been collected by Field (p. xxii); see also Burkitt, p. 13; but I have been able to make several additions.

ζεσθαι and πρᾶσιν = עָרַג owe their origin to πρᾶσις = עָרַג; σκανδαλῶν pass. = בָּשַׁל or נָכַשׁ is derived from σκάνδαλον = מְכָשׁוּל; στερεωμάτιζεν for רָקַע from στερέωμα = רָקַע; σφιγκτήρ = שָׁרָץ because it also renders מִשְׁפָּחָה; σφοδρότης = מָאָד subst. from σφόδρα = מָאָד adv.; παραχή = עָרַג with an allusion to עָרַג; τενοντοῦν for עָרַג is due to τένων = עָרַג; ἡ τιθηνός = מִיִּנְקָה gave rise to τιθηνιζόμενον or τιθιζόμενον or τιτθιζόμενον for יִנְקָה; ὑποσπᾶσθαι for נִשְׁמַט originated ὑποσπασμός for שְׁמַטָּה; χερμαδίζειν for נָגַד is with a view to χερμάς, a large pebble or stone.

11. A mannerism which is paralleled in rabbinic hermeneutics (נוטריקון)⁵¹ consists in breaking up a pluri-literal into two elements. Thus Exod. 32. 25 לְשִׁמְצָה = εἰς ὄνομα ῥύπον, i.e. לְשִׁים צָאָה; Lev. 2. 14 בְּרָמֶל = ... ἀπαλά or ἀπαλόν pointing to רַךְ מֶל [מֶל is left unexpressed, as it is covered by עֲרִיכָה s. ἐρικτόν Θ]. Similarly 23. 14 οἱ ἄπαλὰ καὶ λεπισταί refers to בְּרָמֶל—contrast Field. M]; 16. 8 לְעִנְיָאֵל = εἰς τράγον ἀπολνόμενον, i.e. לְעֵז אֵל; 1 Kings 6. 8 בְּאַרְגָּו = ἐν ὕφει κουρᾶς, i.e. בְּאַרְגָּו; Job 28. 3 et al. צִלְמֹות = σκιά θανάτου, i.e. צֶל מָוֶת; Ps. 15 (16). 1 מְבַתִּים = ταπεινόςφρονος καὶ ἀπλοῦς (and elsewhere ταπεινὸς τέλειος), i.e. מֶךְ חָם; Eccles. 12. 5 חֲתָתִים = τρόμφ τρομήσουσιν, i.e. חֲתָתִים; Isa. 27. 8 בְּסִפְסָפָה = ἐν σάτῳ σάτον, i.e. בְּסִפְסָפָה; 41. 12 פִּיפִיּוֹת = στόμα στομάτων, i.e. פִּי פִיּוֹת; Hos. 8. 13 הִבְהִי = φέρε φέρε, i.e. הֵב הֵב;⁵² Mic. 2. 8 וְאַתְמוֹל = καὶ συναντιῶ . . . where

⁵¹ See Middah XXX in the Baraita of R. Jose the Galilean (ed. Katzenellenbogen, pp. 173 ff.); Malbim on Sifra, section ויקרא § קנב.

⁵² On צִלְמֹות being a compound, comp. Nöldeke in ZAW., XVII (1897), pp. 183 ff. Kautzsch, on the other hand, assumes the reading צִלְמֹות from the stem צָלַם (Gesenius-Kautzsch²⁸, § 30 r, note).—It is rather strange to find that *a'*, while decomposing components or quadriliterals, failed to do it in the case of אֶבְרָהָם, which, according to Jewish tradition, stands for אֶבְרָהָם (Gen. r., sect. 90), but which *a'* renders by γονατίζειν אֶבְרָהָם. Some-

it is evident that he construed it in the sense of וְאֶת־מֹל; comp. ⑤, Ibn Ganah and Rashi who likewise derive it from מֹל, also Gesenius, *Thesaurus*, p. 777: *conflatum ex* אֶת, *apud, ad et* מֹל, מֹל; and with him Olshausen, *Gram.*, p. 435, Böttcher, *Gram.*, I, 136, and Delitzsch, *Prolegomena*, p. 132.

12. It was clearly Aquila's aim to accommodate the Greek to the minutest points of the Hebrew idiom. He imitates the ה locale by Greek post-positive -δε. Thus Gen. 12. 9 הִנֵּנָּה = νότονδε [comp. Joshua 18. 14 הִנֵּנָּה = νότον δέ for νότονδε, not recognized by Field. M]; Exod. 28. 26 בִּיתָה = οἰκόνδε; Num. 2. 10 תִּימָנָה = νότονδε; 3 Kings 22. 49 אֹפִירָה = Ὠφείρδε; 4 Kings 16. 9 קִירָה = Κυρήνηδε; Ps. 67 (68). 7 צִיִּיחָה = λεωπετρίανδε; Ezek. 8. 16 קִרְמָה = ἀρχηθένδε.⁵³ Similarly he renders אֶף by καίπερ, while אִפְּסָה at least once (Isa. 22. 1) = καίπερτοι.

Compound particles are slavishly reproduced so that no element of the Hebrew is lost in the Greek. Thus Gen. 2. 8 מִן־הָאֲרָץ = ἀπὸ ἀρχῆθεν; 18 בְּנִיָּו = ὡς κατέναντι αὐτοῦ; 2 Kings 6. 14 לְפָנַי = πρὸ προσώπου; 7. 8 בְּאַחֶרָה = ἀπὸ ὀπισθεν; 4 Kings 19. 25 לְמַרְחוֹק = εἰς ἀπὸ μακρόθεν, and לְמִיָּמִי קָדָם = εἰς ἀπὸ ἡμερῶν ἀρχῆθεν; 23. 15, 19, 24 וְגַם = καὶ καίγε and 27 מֵעַל פָּנַי = ἀπὸ ἐπὶ προσώπου μου; Job 9. 29 לְמַחֲזֵה = εἰς τὸ τοῦτο, contrast ⑤ διὰ τί; Jer. 31 (38). 34 לְמִקְטָנָם = εἰς ἀπὸ μικροῦ αὐτῶν; 42 (49). 8 לְמִקְטָנָם = εἰς ἀπὸ μικροῦ; Exod. 12. 37

times he even combines two separate words, as Isa. 2. 20 לְהַפֵּר פִּירוֹת, which the Masorah separates but which א', like most other versions, reads together, rendering it by ὑπεκρῶς sive ὑρύκταις.

⁵³ The cases of deviation are usually doubtful. Thus Joshua 5. 1 יָמָה = παρὰ τὴν θάλασσαν is ascribed to οἱ λ, while תִּרְצָתָהּ = εἰς τὴν Σαριρὰ occurs in the well-questioned fourteenth chapter of 3 Kings (ver. 17).—On the misuse of ה locale in the Samaritan and Septuagint versions, comp. Frankel, *Vorstudien*, p. 197, notes *l* and *m*.

לְבַד מִן = *χωρίς από* (but *j^m* in BM *χωρίς* c. genit.). Where Hebrew and Greek constructions do not tally, the Greek is sacrificed to the Hebrew. Thus Gen. 1. 5, 8, 10 לְבַד קָרָא = *ἐκάλεσεν τῶ*...; 1. 28 בָּרָךְ = *ἐπικρατεῖν ἐν*; 3 Kings 17. 22 לְבַד... וַיִּשְׁמַע = *καὶ ἤκουσε... ἐν φωνῇ*; Ps. 26 (27). 1 מִפִּי אִירָא = *ἀπὸ τίνος φοβηθῶ*; *ibid.*, 12 מְבֹרָכִי = *ἀνέστησαν ἐν ἐμοί*; Isa. 19. 4 מִשְׁלֵל־בָּם = *βασилεύσει ἐν αὐτοῖς*. Similarly the Hebrew construction of the positive with מִן in the sense of the comparative or superlative is imitated in the Greek garb. Thus Gen. 3. 2 (1) מ' עָרוֹם = *παρθῆνος ἀπό*; Isa. 7. 13 מִכֶּם הִמְעַט = *μῆτι ὀλίγον ἀπὸ ὑμῶν*.—Distributive constructions are reproduced with utmost fidelity to the Hebrew. Comp., for instance, Lev. 24. 15; Num. 1. 4 אִישׁ אִישׁ = *ἀνὴρ ἀνὴρ*; Num. 28. 13 עֶשְׂרֹן עֶשְׂרֹן = *δέκατον δέκατον*; Joshua 3. 12 לְעֶבֶת אָחָד אִישׁ אָחָד = *ἄνδρα ἓνα* (ἄνδρα ἓνα) τοῦ σκήπτρου.⁵⁴ The Hebrew *pronomén absolutum cum participio* becomes in Greek *pronomén absolutum* + the substantive verb superadded to the present, past, or future tense. Thus Exod. 8. 29 (25) יוֹצֵא אֲנֹכִי = *εγὼ εἰμι ἐξερχομαι* (BM), contrast Ὁ ἐγὼ ἐξελεύσομαι; 3 Kings 14. 6 וְאֲנֹכִי שְׁלֹחַ = *καὶ ἐγὼ εἰμι ἀπόστολος*; Eccles. 11. 5 אֵיךְ יִדְעַי = *οὐκ εἶ σὺ ἐλδῶς*; Jer. 31 (38). 32 וְאֲנֹכִי בָעֲלֵיתִי בָם = *καὶ ἐγὼ εἰμι ἐκυρίευσα (αὐτῶν)* with which contrast σ' ἐγὼ δὲ κατέιχον αὐτούς; 33 (40). 9 אֲנֹכִי עֹשֶׂה = *ἐγὼ εἰμι ποιήσω*; 38 (45). 26 מִכֶּל־אֲנִי = *ρίπτω ἐγὼ εἰμι*, contrast σ' προσπίπτω. The emphatic Hebrew pronoun is faithfully reproduced. Thus, e. g., Jer. 49. 12 (29. 13) וְאַתָּה הוּא = *καὶ σὺ αὐτός*. Where a particle is repeated after a conjunction, a free translator might ignore the particle in the sequel; not so Aquila. See, e. g., Gen. 1. 4 וַיֵּבֶן... בֵּין = *μεταξὺ... καὶ μεταξὺ*. The idiomatic construction ב'... ב' =

⁵⁴ See Field's note. The omission was due to lipography.

is slavishly reproduced, comp. Isa. 24. 2 בַּעֲבָרָא קְאָרְנִי = ὥς ὁ δοῦλος, ὥς ὁ κύριος αὐτοῦ.⁵⁵ On the whole Aquila imitates the Hebrew with its co-ordinate constructions.⁵⁶ Naturally enough, the Hebrew ethical dative and the retrospective pronoun ('*ā'id*) in relative clauses are accurately imitated. Examples of the former are: Deut. 1. 40 וְאַתֶּם פָּנִי לָכֶם = καὶ ὑμεῖς νεύσατε αὐτοῖς; 10. 11 קִים לְךָ = ἀράστηθι σαρτῶ ('*ā*' apparently read לְךָ); Isa. 40. 9 עֲלִי-לָךְ = ἀνάβηθι σεαυτῇ. As to the '*ā'id*' comp. Gen. 1. 30 וְאִשְׁרֵי-בֹ = ᾧ ἐν αὐτῶ; Exod. 3. 5 עֲלִי . . . אִשְׁרֵי = . . . ἐπ' αὐτοῦ; 35. 23 וְאִשְׁרֵי-נִמְצָא אָתּוּ = ᾧ εὗρεθι σὺν αὐτῶ; Deut. 11. 11 וְאִשְׁרֵי אָתָם עֲבָרִים יִשְׁמָה = οὖ (var. ἦν) ὑμεῖς διέρχεσθε ἐκεῖσε; Ezek. 9. 6 וְאִשְׁרֵי עֲלִי = ἐφ' ὃν ἐπ' αὐτῶ.⁵⁷ The same holds good of expletives like הֵנָּה, הֵנָּה, הֵנָּה, and the like which in a free translation might be lost. Particles like אֵל, אֵל; אֵל, אֵל are clearly distinguished.⁵⁸ The connective particle ו, whether plain or consecutive, is translated by καί. The few cases with δέ should be referred to Θι to which it is peculiar. When our translator does employ δέ it is usually with a strong adversative force. Aquila further imitates the Hebrew in placing or omitting the article⁵⁹ and in '*idāfeh*' constructions.

⁵⁵ Hence Joshua 8. 33 וְלִפְנֵי הַיְּהוָה אֵלֶיךָ יִשְׁרָאֵל Syrohex. margin *sine nomine* probably belongs to א'.

⁵⁶ The examples are too numerous to quote; contrast, however, my observations below (Chapter II).

⁵⁷ Cases to the contrary, however, are not wanting: thus the ethical dative remains untranslated in Ps. 122 (123). 4 where עֲבָרָה-לָךְ = ἐνεπλήσθη, while the '*ā'id*' is unexpressed in Lev. 21. 21 where וְאִשְׁרֵי בֹ = ᾧ ἐστίν and Ps. 40 (41). 10, where וְאִשְׁרֵי-בְטַחְתִּי = ᾧ ἐπεποιθήσα. But the omission is rare, and on the whole Margolis is justified in maintaining (comp. 'The Hebrew '*ā'id*' in the Greek Hexateuch', in *AJSL.*, XXIX, 237 ff.) that in the books investigated by him, Aquila and Theodotion are scrupulous in expressing the '*ā'id*' in all its forms.

⁵⁸ See Hebrew Index, s. vv.

⁵⁹ See Burkitt, 12 f.

Thus, for instance, Ps. 23 (24). 3 קָדְשׁוֹ בְּמִקְדָּשׁ = ἐν τόπῳ ἁγιάσματος αὐτοῦ, contrast וְ ἐν τόπῳ ἁγίῳ αὐτοῦ; Exod. 4. 10 אִישׁ דְּבָרִים = ἀνὴρ ῥημάτων, contrast σ' ἑλλάλος; Ps. 13. 17 צִיר אֲמוֹנִים = ὄμηρος πίστεως, contrast θ' φύλαξ πιστός.

13. A further instance of literalism is found in Aquila's tendency to render Hebrew words by similarly sounding Greek words. To the examples cited by Field (*Prolegomena*, p. xxiii)—אֱלֹהִים = αὐλών Deut. 11. 30; מְכַרְבֵּר = καρχαρούμενον 2 Kings 6. 16; לֵישׁ = λῆς Job 4. 14, &c.—one is tempted to add קָרַשׁ = κέρας Ezek. 27. 6. But the case is doubtful; Schleusner and Cornill assume that א' read קַרְנֶה. Possibly, however, א' merely transliterated the Hebrew (read κερες?). Comp. κικεων rd. κικαιων for קִיקְיֹן Judges 4. 6; I doubt whether the 'Greek form' of which Field speaks was at all intended. Naturally enough א' makes use of Semitic loan-words in the Greek language antedating the Septuagint, like βάτος = בַּת, βύσσος = בִּיץ, χιτών = כְּתֹנֶת, σάββατον = שַׁבָּת (from which the verb σαββατίζω = שַׁבַּת was probably a coinage current among Greek-speaking Jews). But the most important evidence of a singularly painstaking accuracy is Aquila's endeavour to render, as far as possible, the same Hebrew words by the same Greek words, or at any rate to minimize the number of synonymous equivalents. To illustrate this I shall quote some significant Greek words and contrast the number of their Hebrew equivalents as used by the Septuagint and Aquila; of course, we have to bear in mind the fact that we are comparing an individual translation, extant at that only in a fragmentary condition, with a work on which a multiplicity of hands were at work. In the enumeration of the words I follow the plan of Deissmann (see n. 47), the only difference being that here they are arranged according to the

alphabet: ἀγαθός 10. α' 1; ἄγγελος 15. α' 1; ἅγιος 21. α' 1; ἀδικία 36. α' 6; ἀνομία 24. α' 3; ἀνόμημα 8. α' 1; ἀπολλύειν 38. α' 2; ἀπώλεια 21. α' 1; ἀρχή 24. α' 2; ἄρχων 36. α' 3; ἀσέβεια 14. α' 1; ἀσεβής 16. α' 1; βασιλεία 7. α' 1; βασιλειον 6. α' 1; βασιλεύς 9. α' 1; γῆ 15. α' 2; γίγνεσθαι 98. α' 3; διδόναι 53. α' 1; δόξα 25. α' 4; δύναμις 26. α' 3; δύνασθαι 14. α' 1; δυνάστης 22. α' 1; δυνατός 25. α' 3; ἔθνος 15. α' 3; εἶδωλον 15. α' 5; ἐνισχύειν 14. α' 2; ἐξολεθρεύειν 21. α' 2; ἐργάζεσθαι 14. α' 1; ἔργον 27. α' 4; ἔχειν 59. α' 6; ἐχθρός 15. α' 1; ἡγεῖσθαι 35. α' 2; θεός 10. α' 4; ἰσχύειν 24. α' 2; ἰσχυρός 24. α' 5; ἰσχύς 27. α' 4; καθαρός 18. α' 1; κακία 11. α' 1; κακός 16. α' 1; κύριος 17. α' 5; λαός 16. α' 1; παροξύνειν 17. α' 2; πλανᾶν 17. α' 3; ποιεῖν 118. α' 2; πόλεμος 8. α' 1; πόλις 6. α' 2; συναγωγή 19. α' 2; τάρασσειν 45. α' 5; τόπος 12. α' 1.

It must also be noticed that among the words common to Aquila and the Septuagint there are such as are used by our translator in a rarer sense than the one in which they are employed by the Septuagint. Thus τροπή which stands in ⑥ for אַיִר, תְּפִלָּה, or תְּפִלָּה is used by α' for רַחֵם Job 37. 18 (but τ. ῥοπάς as in *Auctarium*).

14. The rendering of divine names is a feature not to be ignored in a Bible translation, and Aquila's treatment particularly, owing to its rigidity, should be instructive and interesting. It will be noticed that our translator adheres also here to his rigorous discipline: the Tetragrammaton is transcribed in ancient Hebrew characters 𐤂𐤅𐤄𐤅 in all the continuous fragments that have come to light.⁶⁰ When turned into square characters it assumed

⁶⁰ This is in accord with Origen's statement in his letter to Marcella (*Opera*, ed. Vallarsi, I, 131 and III, 720): *Nonum est tetragrammum, quod ἀνεκφώνητον*, i. e. *ineffabile putaverunt quod his literis scribitur Jod, E, Vau, E.*

the shape וְהוּה (the waw and yod being designated by the same stroke; see Driver, *Notes on Samuel*², p. xxiii). This was then read by the Christian Fathers as Pi Pi in true Greek style.⁶¹ But that it was really pronounced κύριος [= *kere*. M] is attested to by Origen in his comments on Ps. 2. 2: παρὰ δὲ Ἑλληνισι τῇ κύριος ἐκφωνεῖται.⁶² This circumstance may account for the fact that in a great majority of the fragments preserved in Field [the *kere*. M] κύριος has taken the place of וְהוּה. At any rate κύριος stands for יהוה (incl. אֲדֹנִי [but once δεσπότης, Ps. 61 (62). 13. M]), while θεός is used for אֱלֹהִים. This may be styled a rule, for the few exceptions may be disposed of as either untrustworthy or else conditioned by an external circumstance. Thus Ps. 76 (77). 2 and 81 (82). 1 we find אֱלֹהִים = κύριος, but it must be borne in mind that in both these cases אֱלֹהִים occurs twice, and the deviation is probably due to the principle of variation. Job 27. 8 אֱלֹהִים = κύριος (quoted by Klostermann), but this quotation bears the signature οἱ λ, and hence may not be α'. The same is true of Ps. 17 (18). 47, where צִוִּי = θεός and the signature is ο' καὶ πάντες. There remain Gen. 30. 34, Exod. 4. 24, and Isa. 8. 17, in all of which יהוה = θεός. But the former is

Comp. also Jerome in the beginning of the *Prologus Galeatus*: *Nomen Domini tetragrammaton in quibusdam graecis voluminibus usque hodie antiquis expressum litteris invenimus*. [α' is not alone with his transcription of the Tetragrammaton; it occurs in a fragment recently published by Wessely and falsely ascribed by him to α'; it rather belongs to σ', as has been convincingly proved by Mercati. *RB.*, Nouvelle Série, VIII (1911), 266 ff. M.]

⁶¹ Comp. Origen, *ibid.*: *Quod quidam non intelligentes propter elementorum similitudinem, quum in Graecis libris repererint, Pi Pi legere consueverunt*.—On the nature and history of וְהוּה comp. Nestle, 'Jakob von Edessa über den Schem hammephorasch und andere Gottesnamen', in *ZDMG.*, XXXII, 466–9, 507.

⁶² An additional proof is furnished by Burkitt, *Fragments of the Books of Kings*, p. 16.

probably corrupt: ⑥ ⑤ α' σ' all point to אֱלֹהִים as the reading of the Hebrew archetype, and יְהוָה is therefore a later substitute. The best proof for this assumption is offered by the preceding verse (23) where אֱלֹהִים is used; comp. further Wiener, *Essays in Pentateuchal Criticism*, Oberlin, 1909, pp. 16–17; also Dahse, *Textkritische Materialien zur Hexateuchfrage: I. Die Gottesnamen der Genesis*, Giessen, 1912, p. 42 and elsewhere. [The *lectio difficilior* is certainly יְהוָה: $\theta\epsilon\acute{o}s$ of the translations may be an harmonistic accommodation to verse 23. M.] As to Exod. 4. 24, which is ascribed to Aquila alone (σ' θ' have κύριος) it is probably due to the fact that יְהוָה here in the mind of the translator rather signified 'the messenger of God', comp. ⑥ ἄγγελος κυρίου and ⑦ מַלְאָכָא דִּי, also b. Nedarim 32 a where the action is ascribed to שַׂטָּן (var. אֱוֹתוֹ מַלְאָךְ). The reason for the circumlocution is obvious, as the act appeared unseemly of the Lord. The same may also be said of the last passage, Isa. 8. 17, which speaks of the Lord hiding His face from the house of Jacob: owing to a scrupulous guarding against anthropomorphisms and anthropopathisms Aquila substituted here $\theta\epsilon\acute{o}s$ for κύριος. [⑥ has there $\theta\epsilon\acute{o}s$. M.]

As for the combination אֱדַנִּי יְהוָה, the first element α' certainly expressed by κύριος (miswritten $\pi\iota\pi\iota$ Isa. 3. 15). The second element was probably transcribed by him as $\pi\iota\pi\iota$ (= *ketib*), with the intention that it was to be read $\theta\epsilon\acute{o}s$. Hence the vacillation of our data (for $\theta\epsilon\acute{o}s$ comp. Ps. 68 (69). 7). $\pi\iota\pi\iota$ was, however, through the ignorance of the copyists, replaced by *kyrios*. The ascription of ἀδωναι κύριος to α' Ezek. 7. 5 rests probably on error. Ps. 70 (71). 16 σ' certainly and α' probably divided the combination between the two verse-halves.

שָׂרִי as a rule is translated *ikanós*, being derived from שָׂרִי = sufficient in accordance with Ber. r., c. 46, and b. Hagigah 12 a. Only once, Ezek. 1. 24, is it transliterated *σάδδαι*, but this is ascribed collectively to οἱ λ, while Theodoret records *ikanós* distinctly for α'.

אל = *ischyros*, and in only a few cases *theós*. In two instances where אל is rendered *theós* the ascription is general: Ps. 67 (68). 25 οἱ λ, and 89 (90). 2 οἱ πάντες. In Gen. 16. 11 it is in composition: יִשְׁמַעְאֵל = *ἰσακοῦν θεοῦ*. Exod. 6. 3 אל שָׂרִי = *θεὸς ikanós*, though bearing the signature of α', should be doubted and rather ascribed to σ' and θ' because these two render the same phrase in the same manner, Ezek. 10. 5, and because the Midrash (Ber. r., c. 46) registers for α' אֲבִיכּוּם וְאֲנָקוּם which, as will be proved later, goes back to the Greek *ischyros ikanós* which alone is in keeping with Aquila's mode of translation. Indeed it is more than likely that wherever אל שָׂרִי = *ischyros ikanós* is found *sine nomine* (Gen. 43. 14; 48. 13; Exod. 6. 3) it belongs to Aquila. Comp. Isa. 8. 10, where α' is credited distinctly with *ischyros*, while the reading of the general ascription (οἱ γ') is *theós*.⁶³

As to the article in connexion with divine names, there is every reason to believe that Aquila adhered to the Masoretic Text, writing *o* wherever the Hebrew has ה and omitting it where the Hebrew omits it. It is true that our data offer many discrepancies: the article is used about 50 times with אֱלֹהִים, twice each with אֱלֹה and אל, 25 times with יְהוָה, and once with יְה. But these are not to be trusted implicitly, for they are mostly due to the carelessness of the scribes and a tendency to level

⁶³ On the treatment of the divine names in the Septuagint, comp. Frankel, *Einfluss*, pp. 26-30.

Aquila to the diction of the Septuagint. To quote but one example: Gen. 1. 1, 4 as given by Field reads $\acute{\omicron}$ $\theta\epsilon\acute{o}s$, while a newly discovered MS. (U₂) quoted by BM offers $\theta\epsilon\acute{o}s$ in both places, quite in accordance with the Hebrew. Comp., furthermore, Gen. 5. 22, 24 where $\text{הַלֵּלִים} = \acute{\omicron}$ $\theta\epsilon\acute{o}s$ and 41. 6 where $\text{לֵא} = \theta\epsilon\acute{o}s$. It must be maintained therefore that in quoting Aquila (and naturally all the other minor Greek versions) the scribes were concerned only about the chief variants, in our case $\theta\epsilon\acute{o}s$ and $\kappa\acute{\upsilon}\rho\iota\omicron>s$, and paid little or no attention at all to the presence or absence of the definite article.⁶⁴

15. In the preceding I have sought to exemplify Aquila's mannerisms under certain groups. Not everything, however, can be properly classified, especially in view of the fragmentary condition of the extant remains. I therefore subjoin here some longer specimens of Aquila's version contrasted with one or the other of the remaining versions, particularly the Septuagint, so that the reader may have the opportunity of a general impression which will go farther than piecemeal study of detached phrases:

Exod. 4. 10 $\kappa\alpha\iota\gamma\epsilon$ $\acute{\alpha}\pi\omicron$ $\tau\acute{o}\tau\epsilon$ $\lambda\alpha\lambda\acute{\eta}\sigma\alpha\nu\tau\acute{o}s$ $\sigma\upsilon$ $\pi\rho\acute{o}s$ $\delta\omicron\upsilon\lambda\acute{o}\nu$ $\sigma\upsilon$ $\acute{o}\tau\iota$ $\beta\alpha\rho\upsilon s$ $\sigma\tau\acute{o}\mu\alpha\tau\iota$ $\kappa\alpha\iota$ $\beta\alpha\rho\upsilon s$ $\gamma\lambda\acute{\omega}\sigma\sigma\eta$ $\acute{\epsilon}\gamma\omega$ $\acute{\epsilon}\iota\mu\iota$ corresponds to $\text{אֲנִי לִשְׂכַּר וְכִבְדִּי בְּיָדַי לְעַבְדִּי בְּיָדַי מֵאִן מֵאִן}$; contrast Θ οὐδὲ ἀφ' οὗ ἤρξω λαλεῖν τῷ θεράποντί σου· $\text{ισ}\chi\rho\phi\omega\nu\omicron>s$ $\kappa\alpha\iota$ $\beta\rho\alpha\delta\acute{\upsilon}\gamma\lambda\omega\sigma\sigma\omicron>s$ $\acute{\epsilon}\gamma\omega$ $\acute{\epsilon}\iota\mu\iota$; 19. 18 $\alpha\pi\omicron$ $\pi\rho\omicron>\sigma\omega\pi\omicron>\upsilon$ $\sigma\upsilon$ $\kappa\alpha\tau\epsilon\beta\eta$ $\acute{\epsilon}\pi$ $\alpha\upsilon\tau\omicron>\upsilon$ $\kappa\bar{s}$ (BM) for $\text{יְהִי יְהִי יְהִי יְהִי יְהִי}$, contrast Θ διὰ τὸ $\kappa\alpha\tau\alpha\beta\epsilon\rho\eta\kappa\acute{\epsilon}\nu\alpha\iota$ $\acute{\epsilon}\pi'$ $\alpha\upsilon\tau\acute{o}$ $\tau\acute{o}\nu$ $\theta\epsilon\acute{o}\nu$.

Ps. 45 (46). 1-4 $\tau\omicron>\psi$ $\nu\iota\kappa\omicron>\rho\omicron>\iota\omicron>\psi$ $\tau\acute{\omega}\nu$ $\nu\acute{\iota}\omega\nu$ $\kappa\omicron\rho\acute{\alpha}$ $\acute{\epsilon}\pi\acute{\iota}$ $\nu\epsilon\alpha\nu\iota\sigma\text{--}$ $\tau\acute{\eta}\tau\omega\nu$ $\acute{\alpha}\sigma\mu\alpha$. . . $\acute{\epsilon}\lambda\pi\acute{\iota}s$ $\kappa\alpha\iota$ $\kappa\rho\acute{\alpha}\tau\omicron>s$ $\beta\omicron>\eta\theta\epsilon\iota\alpha$ $\acute{\epsilon}\nu$ $\theta\lambda\acute{\iota}\psi\epsilon\sigma\iota\nu$ $\acute{\epsilon}\upsilon\rho\acute{\epsilon}\theta\eta$

⁶⁴ For the method, or rather lack of method, in the use of the definite article with the divine names in the New Testament, comp. Bernhard Weiss, *Der Gebrauch des Artikels bei den Gottesnamen*, Gotha, 1911.

σφόδρα ἐπὶ τούτῳ οὐ φοβηθισόμεθα ἐν τῷ ἀνταλλάσσεσθαι γῆν καὶ ἐν τῷ σφάλλεσθαι ὄρη ἐν καρδίᾳ θαλασσῶν ὀχλάσουσιν ἀντικρωθήσονται ὕδατα αὐτοῦ σεισθήσεται ὄρη ἐν τῇ ὑπερφανίᾳ αὐτοῦ αἰεῖ; contrast Θ εἰς τὸ τέλος ὑπὲρ τῶν νείων κορὲ ὑπὲρ τῶν κρυφίων ψαλμὸς ὁ θεὸς ἡμῶν καταφυγὴ καὶ δύναμις βοήθης ἐν θλίψεσιν ταῖς εἰρούσαις ἡμᾶς σφόδρα διὰ τοῦτο οὐ φοβηθισόμεθα ἐν τῷ ταρασσεσθαι τὴν γῆν καὶ μετατίθεσθαι ὄρη ἐν καρδίαις θαλασσῶν ἤχησαν καὶ ἐταράχθησαν τὰ ὕδατα αὐτῶν ἐταράχθησαν τὰ ὄρη ἐν τῇ κραταιότητι αὐτοῦ διὰ βαλμα.

Jer. 52. 1 νῦν εἴκοσι καὶ ἐνὸς ἔτους Σεδεκίας for $\text{סְדֵקִיָּא עֶשְׂרִים וְאֶחָד שָׁנִים}$, contrast σ' εἴκοσι καὶ ἐνὸς ἔτων ἦν Σεδεκίας, similarly θ' , while Θ has ὄντος εἰκοστοῦ καὶ ἐνὸς ἔτους Σεδεκίου.

Hos. 11. 1 ὅτι παῖς Ἰσραὴλ καὶ ἠγάπησα αὐτὸν καὶ ἀπὸ Αἰγύπτου ἐκάλεσα τὸν υἱόν μου for $\text{כִּי יִשְׂרָאֵל אֶהְיֶה לְבָנִי מִצְרָיִם}$; contrast Θ διότι νήπιος Ἰσραὴλ ἐγὼ ἠγάπησα αὐτόν καὶ ἐξ Αἰγύπτου μετεκάλεσα τὰ τέκνα αὐτοῦ and σ' ὅτι παῖς Ἰσραὴλ καὶ ἠγαπημένος ἐξ Αἰγύπτου κέκληται υἱός μου.

16. In point of pedantic literalness Aquila's version was certainly a *tour de force*. It is this circumstance apparently that elicited the praise of the rabbis who at the same time, it is true, may have had in mind the obliteration of Christian notions from the Scriptures.⁶⁵ Barring, however, individual coinages which go a long way to stamping his translation as barbarous, a study of his Greek vocabulary serves to verify the observation of scholars ancient and modern concerning Aquila's fine knowledge of Greek,⁶⁶ which is indeed what one would expect of a native Greek who, if we may trust Epiphanius, was related to Emperor Hadrian and entrusted by him

⁶⁵ See below (Chapter III).

⁶⁶ See above, § 8.

with the building of Aelia Capitolina before he abandoned paganism first for Christianity and then for Judaism.⁶⁷ Thus Aquila's mastery of the Greek language is borne out by the richness of his vocabulary. There are some 200 words (or word formations) which none of the other versions nor any other Greek author uses. A few, however, disappear from the list when Herwerden's *Lexicon Suppletorium* is consulted. While some of the formations are apparently Aquila's own coinages, there remain enough to warrant the supposition that he obtained them from some nook or corner which our sources fail to lay bare. Aquila is fond of formations with $-\acute{\iota}\xi\epsilon\iota\nu$ (31) and $-\sigma\acute{\upsilon}\nu$ (20).

⁶⁷ Aquila is first mentioned in Irenaeus, *adv. haeres.* (quoted in Greek by Eusebius, *Hist. eccl.* V, 8, 10). But it was not before Epiphanius that an attempt was made to record his life (*de mens. et pond.* 14-15). Epiphanius's story is repeated by the Pseudo-Athanasian author of *Synopsis script. sacr.*, c. 77, and in the *Dialogue between Timothy and Aquila* (*Anecdota Oxon.*, class. ser., pt. VIII).—The chief Jewish sources are, Pal. Megillah 71 c, l. 10: תירגם עקילם הגר התורה לפני ר' אליעזר ולפני ר' יהושע וקילסו אותו ואמרו תירגם עקילם הגר: לו יפית מבני אדם לפני ר' עקיבה. A detailed account of Jewish sources is found first in Azariah dei Rossi's מאור עינים, c. 45; more complete is Zunz, *Die gottesdienstlichen Vorträge der Juden*, p. 82 f.; comp. also the monographs of Anger, *De Onkelo, Chaldaico, quem ferunt, Pentateuchi paraphraste, et quid ei rationis intercedat cum Akila, Graeco Veteris Testamenti interprete*. Part I, *De Akila*, 1845; Friedmann, *Onkelos u. Akylas*, 1896; also Krauss, 'Akylas der Proselyt', in *Festschrift z. achtzigsten Geburtstage M. Steinschneider's*, Germ. div., pp. 148 ff.—A general treatment of Aquila is found in Hody, *De biblicorum textibus*, 573-8; Carpzov, *Critica Sacra Vet. Test.*, 1728, 553-60; Grätz, *Geschichte der Juden* IV², pp. 437 ff.; Joel, *Blicke in die Religionsgeschichte*, pp. 43 ff.; Bleek-Wellhausen, *Einleitung ins A. T.*, § 281; Buhl, *Kanon u. Text des A. T.*, pp. 150-55; Swete, *Introduction to the O. T. in Greek*, pp. 31-42; and finally Schürer, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, III⁴, 435-9.—On the relation to Onkelos see also Luzzatto, *Oheb Ger*, 1830; Rapoport, in a series of letters to the latter (comp. לאחרונים זכרון, ed. Harkavy, pp. 24 ff. and 56 ff.); Z. Frankel in his works on the Septuagint (*Vorstudien* and *Einfluss*).

As to nouns the suffixes -μός (24), -τής (17), -σις (17), and -μα (16) are met with abundantly. By far the greatest number of the new or peculiar formations⁶⁸ consists of compounds with one or two prepositions. Then some 300 words are employed by Aquila alone among the translators of the Scriptures, but are met with elsewhere in Greek. With the other two Aquila shares 74 words not found in the Septuagint, with Symmachus 99, with Theodotion 43, with Quinta 3, with Sexta 5. The lists are given in full in Appendix I.

17. Despite his extreme literalness Aquila not rarely indulges in free translation and paraphrase, if only such Aquila readings really belong to him. Thus Gen. 30. 8 נִפְתָּלִי אֱלֹהִים נִפְתָּלִי = συναέστρεψέν με ὁ θεὸς συναναστροφίην; ver. 42 וּבִהְעֵטִיָּהּ הָצֹאן = καὶ ἐν δευτερογόνοις . . . ; 31. 41 עֵצְרָת מִנִּים = δεκάκις ἀριθμόν, contrast ver. 7 δέκα ἀριθμούς; 42. 21 אֲשָׁמִים = ἐν πλημμυελίᾳ; 49. 4 פָּחוּ פְּמִים = ἐθάμβευσας ὡς ὕδωρ, it is not necessary to follow old commentators in presupposing פָּחוּת (comp. Field, note), it is simply a free rendering; Exod. 13. 20 בָּקָצָה הַמִּדְבָּר בְּאֶתֶם = εἰς ἡθαν (l. ἡθαμ) τὴν ἐρημοστάτην; Deut. 8. 14 לִבְבָּךְ יָרָם = καὶ ὑψωθήῃς τῇ καρδίᾳ σου; Job 5. 21 מִשּׁוּר כִּי יִבֹּא = ἀπὸ προνομῆς ἐπερχομένων; 12. 2 תְּמוֹת חֲכָמָה וְעִמָּם = καὶ σὺν ὑμῖν τελειώματα σοφίας, *nomen pro verbo*, unless the translator pointed תְּמוֹת (pl. of חֲכָמָה), comp., however, Isa. 59. 19 where רֵחַ יְהוָה רֵחַ הַחַיִּים = πνεῦμα κυρίου σύσσημον ἐν αὐτῷ; 15. 20 מִתְחַלֵּל בּוֹ = ἐν ὁδύνη; 35. 11 וַיַּעֲרֹף הַשָּׁמַיִם יַחֲבִינֵנִי = καὶ σοφίξει ἡμᾶς ὑπὲρ τὰ

⁶⁸ It becomes evident how precarious are the arguments for a Greek original, say of the Book of Wisdom, based on the presence of compounds in a large number. Contrast J. Freudenthal, 'What is the Original Language of the Wisdom of Solomon?' in *JQR.*, III, 722 ff., and A. T. S. Goodrick, *The Book of Wisdom*. London, 1913, p. 68.

κατὰ τὸν ἀέρα διῷπτάμενα πετεινά (α' θ'); Prov. 8. 18 רַחֵם ה' = ὑπαρξίς μετ' εἰρήνης, but θ' ὑπαρξίς παλαιά and σ' βίος παλαιός; Eccles. 12. 4 הַכָּל בְּיָמָיו = πάντα τὰ τῆς ὥδης while 𐤀 has αἱ θυγατέρες; Isa. 29. 1 רַחֵם ה' = πολίχνη βιοτεύσεως (or παρεμβλήσεως) Δαυὶδ; 42. 9 הַכָּל בְּיָמָיו = (πρὸ τοῦ) ἀναφύηαι; 59. 18 הַכָּל בְּיָמָיו = ὥς ἐπὶ ἀποδώσει χόλου τοῖς θλίβουσιν; 62. 6 הַכָּל בְּיָמָיו = μὴ ἡσυχάσητε (α' σ' θ'); Jer. 11. 20 הַכָּל בְּיָמָיו = τὴν κόλασιν ὑπὸ σοῦ ἐξ αὐτῶν; 21. 2 הַכָּל בְּיָמָיו = πολεμεῖ ἡμᾶς, with which contrast 𐤀 ἐφ' ἡμᾶς and σ' πρὸς ἡμᾶς; 26 (33). 18 הַכָּל בְּיָמָיו = υἱὸς Μωρασθαί, while 𐤀 has ὁ Μωραθίτης; 32 (39). 40 הַכָּל בְּיָמָיו = τοῦ μὴ ἀποστραφῆναι με; 38 (45). 27 הַכָּל בְּיָמָיו = ὅτι οὐκ ἤκουσαν τὸ ῥῆμα, contrast σ' ἠκούσθη ὁ λόγος; 51 (28). 17 הַכָּל בְּיָמָיו = ἐμωράνθη πᾶς ἄνθρωπος ὥστε μὴ γινώσκειν, but 𐤀 ἀπὸ γνώσεως; Ezek. 17. 6 הַכָּל בְּיָמָיו = ἵνα τετραμμένοι ᾧσιν οἱ κλάδοι αὐτῆς πρὸς αὐτόν, contrast 𐤀 τοῦ ἐπιφαίνεσθαι κ.τ.έ.; 20. 8 הַכָּל בְּיָמָיו = ἡλλαξαν τὸ ῥῆμά μου, contrast 𐤀 καὶ ἀπέστησαν ἀπ' ἐμοῦ and σ' ἠπειθήσαν δέ μοι; 33. 12 הַכָּל בְּיָמָיו = οὐ μὴ συντρίψῃ αὐτόν; *ibid.*, ver. 22 הַכָּל בְּיָמָיו = καὶ οὐκ ἤμην ἄλαλος; 36. 37 הַכָּל בְּיָמָיו = ζήτημα θήσομαι (α' σ' θ'), but 𐤀 ζητηθήσομαι; Hos. 7. 14 הַכָּל בְּיָמָיו = ἀλλὰ ἀσελγῶς ἐλάλησαν, contrast 𐤀 ἀλλ' ἢ ὠλόλυσον; Hab. 3. 14 הַכָּל בְּיָמָיו = ἀποκρύφως.

In the above care has been taken not to mention differences in particles and conjunctions which might be added or omitted by the copyists. But in order to form a correct judgement concerning Aquila's manner of translation it should be borne in mind that sometimes he employs particles which have no equivalents in the Hebrew in order to do justice to the Greek idiom. Thus Isa. 45. 23 הַכָּל בְּיָמָיו = . . . εἰ μὴν ἐξελεύσεται (like 𐤀); εἰς is supplied a number of times (comp. Index) where the context

demands it; similarly ἐξ, ἐν, ἐπί, κατά, πρός, ὑπέρ and the like.

Another way of freedom in translation is the rendering of a sing. by a plur. and *vice versa*, where there is no absolute excuse for it, and where the exact equation would not have been a violation of the language into which the translation was made.⁶⁹ Since these cases are noted in their respective places in the Index only a few examples will suffice here. Thus sing./pl. in nouns are: Deut. 28. 48 עֲבֹדְתָּ אֱתֵּיבֶיךָ = ... τῷ ἐχθρῷ σου (α' σ' θ'), but ⑤ has pl.; Job 41. 10 עֲטִי־שָׁתִי = παρμὸς αὐτοῦ; Ps. 131 (132). 6 בְּשָׁרֵי = ἐν χώρῃ, contrast ⑤ ἐν τοῖς πεδίοις; Isa. 41. 9 מְקַצֵּחַ = ... τελευταίου, but ⑤ ἀπ' ἄκρων; Jer. 48 (31). 15 וְעָרֶיהָ = καὶ ἡ πόλις αὐτῆς; Dan. 10. 13 מְלִכֵּי = βασιλέως. Sing./pl. in verbs: Jer. 14. 22 מְשִׁימִים = ὑετίζων (like ⑤). Pl./sing. in nouns: Ps. 1. 2 הַפְּצִי = βουλήματα αὐτοῦ (α' σ' ε' ς'), but ⑤ θέλημα; Jer. 10. 7 מְלִכֵּיהֶם = βασιλείαις αὐτῶν; Ezek. 27. 16 קְהָתָהּ = ἔμποροί σου, but ⑤ has sing.; Hab. 1. 10 מְשִׁחֵי = γελάσματα, but σ' γέλως. In verbs: Prov. 28. 28 יִפְתָּר = κρυβήσονται; 27. 13 חֲבִלָּהּ = ἐνεχυράσατε αὐτόν; Jer. 9. 10 (9) עָבַר = παραπορευομένους; Ezek. 29. 4 תִּרְפָּק = κολληθήσονται.

⁶⁹ Of course, it must not be overlooked that many such cases of discrepancy in number may be due to *scriptio defectiva*; comp. Driver, *Notes on the Hebrew Text of the Books of Samuel*², pp. lxii ff.

(To be continued.)

THE SO-CALLED 'LEPROSY' LAWS

AN ANALYSIS OF LEVITICUS, CHAPTERS 13 AND 14

BY MORRIS JASTROW, jun., University of Pennsylvania.

I

THE composite character of the two chapters—Leviticus 13 and 14—comprising the laws and regulations for the diagnosis and treatment of various skin diseases, and of suspicious spots appearing in garments and houses, together with the purification rites, has long been recognized.¹ Indeed, the mere enumeration of the variety of subjects treated of in these two chapters, which form a little code by themselves, furnishes a presumption in favour of the view that the chapters represent a gradual growth. A closer study of the two chapters not only confirms this presumption, but also shows that the growth betrays an even more complicated process than is the case in other little groups of laws and regulations, such as Lev. 1-5. We not only find that the two chapters may be subdivided into numerous smaller sections, each representing a supplement added to the basic stock of the little code, but that within these sections, glosses, comments, and illustrations are introduced which point to a treatment of the older Hebrew codes, not unlike that accorded to the later Code of

¹ See especially Baentsch's remarks on p. 364 of his *Kommentar zu den Büchern Exodus und Leviticus*

Judaism, known as the Mishnah, and which by the addition of a steadily-growing commentary and continuous elaboration, known as the Gemara, grew into the Talmud. In other words, we can distinguish in Leviticus 13 and 14 (as in other groups within the Priestly Code) elements which correspond to the division between Mishnah and Gemara in the great compilation of Rabbinical Judaism, and we can also trace in the growth of the two chapters the same process which produced the Gemara as a superstructure to the Mishnah. The intrinsic importance of the two chapters, and the frequency with which they have been treated because of their medical interest,² justify the endeavour to carry the analysis by a renewed study somewhat further than has yet been done, particularly as this analysis is a *conditio sine qua non* for an understanding of the medical aspects of the chapters. While it is not my purpose to discuss in detail these medical aspects, I shall touch upon them at the close of this article, chiefly with a view of showing the manner in which they should be considered, and also to furnish the reasons for the conviction that I have gained that physicians who have occupied themselves with these two chapters have approached them from a wrong starting-point, and hence have reached conclusions which are correspondingly erroneous. To put it bluntly, before discussing the fundamental question whether *ṣāra'at* is 'leprosy' or not, one must settle which verses of the two chapters deal with *ṣāra'at*.

² See the literature in Baentsch's *Kommentar*, p. 364, and in Münch's *Die Zara'ath der Hebr. Bibel*, to which further additions may be made, such as Jay F. Schamberg's article on 'The Nature of the Leprosy of the Bible', *Phila. Polyclinic*, VII (1898), Nov. 19-26, or *Biblical World*, March, 1899, pp. 162-9. See further, note 144.

II

In a formal—not a documentary—analysis of the two chapters, we may distinguish—leaving aside headings and subscripts—the following:³

(1) 13. 2-46, diagnosis and treatment of various symptoms of pathological phenomena on the skin: (a) שַׁעַת (*se'ēt*), (b) סַפְפַּחַת (*sappahat*), (c) בַּהֲרֵת (*baheret*), (d) צָרַעַת (*šāra'at*), (e) שְׁחִין (*šehīn*), (f) מִכְוָּה (*mikwāh*), (g) נֶחֶק (*netek*), (h) בֶּהַק (*bōhak*), (i) קֶרֶחַ (*kērē'al*), (k) גִּבֵּחַ (*gibbē'al*).

(2) 13. 47-59, *šāra'at* in garments.

(3) 14. 1-31, purification ritual at the time when the healing process of *šāra'at* on persons was complete.

(4) 14. 32-47, diagnosis and treatment of *šāra'at* appearing in houses.

(5) 14. 48-53, purification ritual for the case of *šāra'at* in houses.

It appears, then, that suspicious marks or spots—to use the vaguest and most indefinite kind of terms—may appear on persons, garments (in stuffs), and in houses, and that in connexion with each of these categories the diagnosis, treatment, and purification ritual are set forth. Throughout the two chapters, the term (*nega' šāra'at*) is constantly introduced, and by the side of this fuller term two abbreviated expressions *šāra'at* and *nega'*.⁴

³ In order to make the results of the investigation accessible to others than specialists in the Old Testament, I transliterate most of the Hebrew terms introduced.

⁴ *nega' šāra'at*, Lev. 13. 2, 3, 9, 20, 25, 27, 47, 49, 59; 14. 3, 34, 54; *nega'*, Lev. 13. 3, 4, 5, 6, 7, 12, 13, 17, 22, 29, 30, 31, 42, 43, 44, 45, 46, 50, 51, 52, 53, 54-58; 14. 35, 36, 37, 39, 40, 43, 48; *šāra'at*, Lev. 13. 8, 11, 12, 13, 15, 25, 30, 42, 43, 51, 52; 14. 7, 44, 55, 57. The synonymity of the three expressions is shown by the Greek text, which occasionally has *šāra'at*, e.g. 13. 20, where the Hebrew has *nega' šāra'at*, or adds *šāra'at*, e.g. 13. 29, where the Hebrew has merely *nega'*. The word *nega'* ('mark' or 'spot')

Taking up the first section, one is struck by the large number of medical terms introduced, supplementary to *ṣāra'at*. In connexion with each term *nega'* is used, which is thus shown to be a general term for any kind of a disease of the skin, indicated by a mark or marks. Clearly these supplementary terms represent attempts to differentiate between pathological phenomena which in an earlier, less scientific age were either grouped under *ṣāra'at* or under the general designation of 'marks' (*negā'im*). A closer inspection of the second verse of the thirteenth chapter furnishes the safe starting-point for a correct analysis. The verse reads as follows: 'If a man has on the skin of his flesh a swelling (*se'ēt*),⁵ growth (*sappaḥat*),⁶ or a bright spot (*baheret*),⁷ and it becomes on the skin of his flesh a *nega' ṣāra'at*, he is brought to Aaron the priest, or to one of his sons, the priests.' The name Aaron occurs in this verse only. Throughout the two chapters merely 'the priest' is used. We may, therefore, cut out 'Aaron' as well as the phrase 'or one of his sons the priests' as comments—corresponding to our foot-notes to explain what is meant by the term 'the priests'. In the second place, the repetition of 'on the skin of his flesh' is open to

has also the general force of a 'plague' or a 'disease', from the stem *nāga'* 'to strike down'. The etymology of *ṣāra'at* is somewhat obscure, though indications point likewise to the meaning 'strike' for the underlying stem which would make *ṣāra'at* a general term like *nega'*, and not a specific designation.

⁵ *se'ēt* from *nāsā'*, 'to raise', clearly indicates a rising on the skin, i. e. a swelling of some kind.

⁶ *sappaḥat*, of which *mispaḥat* (vers. 6, 7, 8) is a synonym, from *sāpaḥ* 'to add, supplement', refers to something added to the skin, i. e. a growth.

⁷ *baheret*, from *bāhar*, 'to shine', is an inflamed bit of skin, i. e. a shining spot (to use an indefinite term), intended to describe the prominent feature of an inflammation.

suspicion, which is reinforced by the awkward construction *l'negā' šārā'at*, i.e. 'to a *negā' šārā'at*'. A glance at the various commentators will show us the difficulties involved in getting a satisfactory meaning.⁸ If now we remove the three terms 'swelling', 'growth', and 'bright spot', and assume that the verse in its original form spoke of the *šārā'at* only, the construction becomes perfectly simple, to wit: 'If a man has on the skin of his flesh a *šārā'at* mark (i.e. *negā' šārā'at*), and he is brought to the priest.' The proof of the correctness of this view is furnished by the third verse, which reads: 'And the priest sees the mark (*negā'*) on the skin of his flesh, and the hair at the mark has turned white, and the mark (*negā'*) appears deeper than the skin of his flesh, then it *is* a *šārā'at* mark, and⁹ he shall declare him unclean.' Here, then, we have the beginning of the chapter in its original form—a diagnosis of what constitutes *šārā'at*, and a simple means of determining whether a man has *šārā'at* or not. It is just the kind of diagnosis that we may expect in an age in which medical knowledge is based on observation merely.

With these two verses as a starting-point, we can proceed without much difficulty to pick out other verses which belong to the older stratum of the chapter. Verses 9–13

⁸ To translate as Strack, Baentsch, and others, 'and it develops in the skin of his flesh to a *negā' šārā'at*', meets with a fatal objection through the circumstance that it is a *negā' šārā'at* *only* after the priest has pronounced it as such, as indicated in ver. 3.

⁹ The text adds, 'and the priest shall see it', which is superfluous, since the words 'and the priest sees' stand at the beginning of the verse. Either the repetition is the addition of some pedantic scribe who wanted to make it perfectly clear that the words 'he shall declare him unclean' refer to the priest's declaration, or it is a gloss that has slipped into the wrong place.

furnish further details regarding the *ṣāra'at*. They read, exclusive of glosses and comments, as follows:

'If there is a *ṣāra'at* mark on a man, and he is brought to the priest; and the priest sees that there is a white swelling (*sc'ēt*) on the skin that has turned the hair white,¹⁰ it is a chronic¹¹ *ṣāra'at* in the skin of his flesh, and the priest shall declare him unclean.¹² But if the *ṣāra'at* steadily spreads in the skin until the *ṣāra'at* covers the entire skin,¹³ and the priest sees that the *ṣāra'at* covers the entire flesh,¹⁴ [then the priest] shall declare the mark clean.'¹⁵

¹⁰ The text adds, anticipating the diagnosis in the next section (14-17), 'and there is raw flesh (*bāsār ḥay*) in the swelling'. As a synonym to *bāsār ḥay*, another version or a commentator used the term (מִלְיָה *miḥyah*) 'a raw spot'. A later scribe embodied the synonym in the text which thus became redundant.

¹¹ נֹשֶׁנֶת (*nošenet*, literally 'of old standing', which I believe conveys the idea that we attach to 'chronic'. The ordinary rendering 'recurrent' misses the *nuance* and is without warrant.

¹² Additions (1) 'without shutting him in', harking back to the 'shutting in' as a test in the case of *baḥeret* (vers. 4-5); (2) 'for he is unclean', כִּי טָמֵא הוּא, a second comment to explain why he is not shut in. These brief comments are just in the style of the Gemara. If amplified, vers. 10-11 could easily be put in the form of a Mishnah and a Gemara, as follows: The law is that if the priest sees that a white swelling on the skin has turned the hair white, it is a chronic *ṣāra'at*. Now since in the case of a 'white shining spot' it is said (Lev. 13. 4) that the victim is shut in for seven days, you might suppose that in the case of a 'white swelling' this should also be done. It is not required. Why not? Because a 'white swelling' of itself makes him unclean.

¹³ Two comments are added: (1) namely, 'the mark (extends) from his head to his feet'; (2) 'according to the complete inspection of the priest', i. e. it is only upon the inspection of the priest, not upon the report of the victim or of any other person, that the diagnosis of the whole body being covered with the *nega'* can be established.

¹⁴ Instead of 'all his flesh' (כָּל-בָּשָׁרוֹ) the Greek version has 'all his skin'.

¹⁵ Two glosses: (1) 'all turned white' to the word 'flesh'; (2) 'he is clean',—the final decision. This decision, 'he is clean' or 'he is unclean',

It is clear that we have here (vers. 9-11) a second diagnosis involving, just as the first, the determination of the question whether the suspicious mark is a genuine *ṣāra'at* or not; and since in the original form of the diagnosis the decisive indication is, as in the first diagnosis, the change of colour in the hair to white, the two cases would be identical but for the addition in the second case of the symptom of a 'white swelling'. This 'white swelling', it would seem, is the basis for the decision that it is a case of 'chronic *ṣāra'at*', as against a simple form of *ṣāra'at* in the first diagnosis, where we have the contrast to the 'swelling' on the mark expressed as 'deeper than the skin', i.e. high-relief in one case and bas-relief in the other. Placing the two decisions side by side, we can follow the process which gradually led to the present complicated form of the two chapters. The introduction of the 'swelling' as a new factor¹⁶ suggested a consideration of further symptoms appearing in the skin, and accordingly the first diagnosis or decision was amplified (ver. 2) by the addition of (a) a *sappahat* (ספחת), i.e. 'growth'; (b) *baheret*, i.e. 'bright spot'; and this naturally leads in turn (vers. 4, 5) to a diagnosis of *baheret* and (vers. 6-8) of what constitutes a *mispahat*, involving in both cases the determination *after* a test or after a double test whether it may develop into a genuine *ṣāra'at* or is a harmless manifestation.

To the second decision, however, there is also added (vers. 12, 13) a diagnosis of a case in which the mark

is frequently added in Lev. 13, and apparently as a quick means for reference on the part of the priests, who would naturally consult the legal compilations when cases were brought before them.

¹⁶ The 'swelling' (*se'et*) in ver. 2 thus appears only upon the second diagnosis.

suspected of being *ṣāra'at* turns out to be harmless or, to use the technical language of the decision, 'it is clean'. The diagnosis rests manifestly again upon pure empiricism: that a mark spreading over the entire body is an innocent rash, or at all events 'clean'.

We thus have as a part of the original form of the *ṣāra'at* Torah three decisions: (a) 'unclean', i.e. genuine *ṣāra'at*, in case the hair at the mark turns white and the mark is deeper than the skin; (b) 'unclean' and 'chronic', in case the hair turns white and there is a white swelling, i.e. the mark is higher than the skin; (c) 'clean', if the mark spreads over the whole body. Verses 14-17, detailing the case in which 'raw flesh' appears on the skin, evidently do not belong to the original part of the *ṣāra'at* Torah¹⁷ but represent an addition of the same nature as vers. 2-8, due to a further question raised in the course of the discussion on the three original ordinances, to wit, how about the case when the flesh becomes raw at the suspicious spot? The 'Gemara' to the original decisions answers (vers. 14, 15) that the moment raw flesh appears the man is unclean, but that as in the other cases the decision must be rendered by a priest and after an inspection.¹⁸ Just as in the Talmud one question leads to the other, so in the implied discussion on the Biblical laws together with the decisions by the priests or by the later redactors of early codes, the situation is further complicated by the question: How about the case in which the raw flesh disappears and

¹⁷ See above, note 10, where it is suggested that the term 'raw flesh' and its synonym *miḥyah*, at the end of ver. 10, are additions due to the combination of the original decisions with the superimposed ones, i.e. of a Mishnah with a Gemara.

¹⁸ The words (ver. 15) 'the raw flesh is unclean' represent a further amplifying gloss.

the spot¹⁹ becomes white? The answer is 'clean' upon the inspection and the declaration of the priest.

The balance of the chapter, with the exception of vers. 45, 46, represents further additions to the original Torah, verses 18-39 taking up various skin troubles suggested by the consideration of the *šāra'at*. Within this supplement, verses 18-23 take up boils, verses 24-28 burns, raw flesh, bright marks, &c., verses 29-37 marks on the head or beard (*netek*), verses 38-9 very white marks (*bōhak*), and 40-44 baldness of the head and the dropping off of the hair of the eyebrows accompanied by the appearance of suspicious marks. With ver. 47 an entirely new subject—marks on garments or stuffs—is introduced, which is discussed up to the end of the chapter. These references, therefore, are entirely independent sections, so that the Mishnah and Gemara for *šāra'at* on the skin of a man or of a woman ends with ver. 44. The last two verses of this section (45-6) represent, I venture to think, a part again of the original *šāra'at* Torah. They read as follows:

'And the one afflicted with *šāra'at*²⁰ who has a mark, his garment shall be torn and his hair shall grow wild,²¹ and he shall cover the moustache²² and cry "unclean, unclean". As long as he has the spot he shall be unclean;²³ outside of the camp shall be his dwelling.'²⁴

¹⁹ The word *ha-nega'* must be supplied after נִגַּף in ver. 16, just as it is found in ver. 17.

²⁰ *šārūa'* (שָׂרֹוּעַ), i. e. the one who has *šāra'at* of which *mešōrā'* (מְשֹׁרָעַ), the pu'al participle (Lev. 14. 3) is a synonym, and the more common term occurring fifteen times as against five occurrences of *šārūa'*.

²¹ The tearing of the garments (פָּרַץ) and the growth of the hair (פָּרַע) are signs of mourning, hence forbidden to priests (Lev. 10. 6; 21. 10).

²² שֵׁפָם (*sāphām*) 'the lip beard', correctly rendered by the Greek version as μύσταξ in 2 Sam. 19. 25.

²³ The text has a superfluous 'he is unclean', perhaps a misplaced gloss.

²⁴ The words 'he shall dwell apart' represent again an addition with

The last verse of the chapter contains the subscript, and it is probable that the first part of the verse, 'This is the law of the *ṣāra'at* mark', belonged to the original form of the section, and was subsequently amplified into the subscript for the section on marks on garments. Be this as it may, we have at the beginning of the fourteenth chapter the second part of the original Torah, dealing with the purification or dismissal of the one whose mark has healed. This part, covering 14. 2-8 a, reads:

'This is the law of the one who has had *ṣāra'at*, on the day of his purification²⁵ when the priest has gone to (the place) outside of the camp, and has seen that the *ṣāra'at* mark of the *ṣārūa'* is healed.²⁶ Then the priest shall order two living birds²⁷ to be taken for the one to be purified, [and cedar wood and scarlet thread and hyssop;] and the priest shall order the one bird to be killed over

a view of adapting the decision to later social conditions when people dwelt in cities and not in camps. The addition is an answer to the question put in the style of the Gemara: 'How about the case of a *ṣārūa'* who lives in a city?' The general principle is in reply enunciated that the stricken individual must 'dwell apart', away from the habitations of his fellows. In similar fashion the Greek text to Lev. 14. 8, by changing 'outside of his tent' to 'outside of his house', adapts the older law to later conditions. See below, p. 375, note 45.

²⁵ The addition 'and he shall be brought unto the priest' is again added as a Gemara to adapt the law to the later conditions when the diseased person is merely isolated, and naturally must be brought to the priest. In the earlier social stage, however, when the diseased dwells outside of the camp, the priest goes to the place outside of the camp where the *ṣārūa'* dwells, and where the purification ritual is carried out, be it noted, *not* in a sanctuary.

²⁶ The more natural construction would be: **וְהָיָה נִרְפָּא הַצִּרְעָה מִנֶּעֱהָ** instead of **וְהָיָה נִרְפָּא נֶעֱהָ הַצִּרְעָה**.

²⁷ Additions: (a) 'clean', and (b) then 'cedar wood, scarlet thread, and hyssop'.

an earthen pot²⁸ at running water;²⁹ and the living bird he shall dip into the blood of the slaughtered bird,³⁰ and he shall sprinkle over the one to be purified seven times and declare him clean, and send off the living bird into the open.³¹ And the one purified shall wash his garments, and shave all his hair, and wash in water, and after that come to the camp.'

Simple and primitive in character as this ritual appears to be, it is possible by a further analysis to detect several component elements pointing to the combination in the ritual itself of features that do not necessarily belong together. In the first place, the introduction of 'the cedar

²⁸ i. e. slaughtered so that the blood drops into an earthen pot.

²⁹ מֵיִם חַיִּים 'living water', which I take here in the sense of 'running water', i. e. at a stream, just as in the Babylonian-Assyrian purification ritual water from streams was used; e. g. Maḳlū Series, ed. Knudtzon, Tablet VII, 116, 'pure water of the deep which springs up in Eridu', or *Cun. Texts*, XVII, Pl. 38, 30-34, 'take an earthen vessel which has come from a large kiln, at the meeting of the streams draw water', &c. Cf. also Haupt, *Sumer.-Akkad. Keilschrift*, p. 90, III, 3-4, 'pure water, clear water, sparkling water', all in connexion with incantation and purification rituals. Langdon (*Transactions of the Third International Congress for the Hist. of Religions*, I, 249) has called attention to the fact that what he calls 'services for private devotion' were performed frequently by the banks of a river. The expression 'living water' was also extended to waters flowing into a well (Gen. 26. 19; Jer. 2. 13; 17. 13), but in the ritual I believe that 'running water' is always intended; so, e. g., Num. 19. 17. The use of מֵיִם חַיִּים in Lev. 15. 13 is inaccurate, and the Greek (Codd. BA fin.) omits חַיִּים, reading 'he shall wash his body in water', as throughout the chapter verses 5, 6, 7, 8, 9, 10, 11, 16, 21, 27, and elsewhere.

³⁰ The awkward construction of the first half of verse 6, 'the living bird he shall take it', and its incongruity with the second half of the verse, betray attempts at combination and re-editing. I believe that the verse originally read: וְטָבַל אֶת־הַחֲצוֹר הַחַיָּה בְּדָם הַחֲצוֹר הַשְּׁחֻטָּה, to which an amplifying gloss added עַל הַמַּיִם הַחַיִּים.

³¹ Literally, 'over the face of the field', in the sense of allowing it to fly away.

wood, scarlet thread, and hyssop' has no apparent connexion with the ritual of the two birds. Outside of our passage we encounter these three objects together, (a) in the ritual for 'atoning' the house that has been affected by marks (Lev. 14. 49-53), which ritual is bodily taken over from our passage, and, therefore, has no independent significance, and (b) in the ceremony of the red heifer (Num. 19. 6) where 'the cedar wood, scarlet thread, and hyssop' are thrown into the 'burning heap of the heifer'—not even used for sprinkling, as is implied in the *ṣāra'at* ritual. The objects do not in fact seem to serve any particular purpose, and the ritual in all three cases is complete without them. The use of the hyssop alone (Num. 19. 14) in the case of the purification of the house and contents or furnishings belonging to some one who has become unclean through contact with a corpse or a grave, in which case the hyssop is dipped into water by 'a clean man', and sprinkled over the tent, the furniture and the inmates, shows that the main idea connected with hyssop is cleansing.³² The cedar wood in the *ṣāra'at* and in the 'red heifer' ritual appears to be a subsequent addition, both hyssop and cedar wood suggesting by their fragrance purification, like the burning of frankincense which in the case of *minḥah* or cereal offering is entirely burnt on the altar.³³ The scarlet thread, presumably for tying the mass together, introduces a further symbolism by nature of the red colour,³⁴ into which, however, we need

³² Note also the use of hyssop in Exod. 12. 22, where the 'purification' idea passes over into that of 'protection'.

³³ e. g. Lev. 2. 2, whereas of the meal and oil, and subsequently of the wine, only a handful is offered, while the rest is given to the priest.

³⁴ Cf. Isa. 1. 18, 'if your sins be red as scarlet', &c., suggested by a Jewish commentator in the *Mikra'ot Gedōlōt*.

not enter here. The hyssop³⁵ and cedar wood being thus associated with a cleansing process of a distinctive character, whereas the use to which the two birds are put is purely symbolical, the thought naturally suggests itself that hyssop and cedar wood were employed in the case of the person afflicted to afford him bodily relief—in other words, they formed part of the medical treatment in an early cultural stage, and on this account were combined with a ceremony intended to transfer the disease from the individual to an animal—in this instance a 'scape-bird'. That manifestly is the purpose to be served by the bird, to be sent off at large carrying with it the *šāra'at*. We thus have two distinct ideas introduced into the purification ritual in its present form: (a) a quasi-curative ceremony, and (b) a transfer of the disease. This combination further suggests that this part of the ritual itself was originally intended actually to free the afflicted from the *šāra'at*, and by the conservative force of established custom was retained as an ingredient of a later 'atoning'³⁶ ritual through the blood of a sacrificial animal. This double intent is confirmed by the usage of לְמַטֵּהָר in Lev. 14. 4, and 7 for 'the one to be cleansed',³⁷ whereas in ver. 8 it is 'the one who has been purified'. We thus obtain three distinct ceremonies: (a) a primitive well-known method of exorcising disease by transferring it to an animal, for which we have so many instructive parallels among Babylonians³⁸ and other peoples,

³⁵ Note also Ps. 51. 9, 'purge me with hyssop'.

³⁶ Note that the term לְהַטֵּה, i. e. 'to remove the sin', is used in Lev. 14. 49, 52, as well as in the passage in Ps. 51. 9, the latter evidently based on the ritual.

³⁷ The expression בְּיוֹם טְהֻרָתוֹ is, therefore, to be rendered as 'the day on which he is to be purified'.

³⁸ See *Cun. Texts*, XVII, Pl. 10, 73, 1-1; 11, 85, and the latest discussion

(b) a primitive remedial device, which consisted perhaps in rubbing the diseased person with hyssop, or in his inhaling the fragrance of hyssop; to hyssop, cedar wood was subsequently added, and the scarlet thread as a symbol of the sin or uncleanness; (c) an atoning ceremony by means of the 'blood' of a sacrificial animal with which the diseased individual was sprinkled.³⁹ By combining the three rites we obtain: (a) two birds; (b) the dipping of the cedar wood, hyssop, and scarlet thread, as well as the dipping of the live bird into the blood of the one to be killed; (c) the sprinkling of the one to be declared clean with the blood—presumably through the cedar wood and hyssop tied together with the scarlet thread, though this is not specifically stated; (d) the dismissal of the live bird. The awkward construction of ver. 6, to which attention was called above, as well as the meaningless ceremony of dipping the live bird into the blood of the killed one, clearly shows that the introduction of the second bird is an after-thought. Once introduced, however, some means had to be found of connecting it with the first bird, and accordingly it was provided that the one bird should be dipped into the blood of the slaughtered one, and similarly the hyssop, &c., were to be dipped in the blood so as to connect this rite also with the killing of the second bird. It is obvious that the bird to be slaughtered is introduced as a result of the extension

of this and other passages in the incantation texts by Langdon in the *Expository Times*, vol. 24 (1912), pp. 40 ff., though Langdon's translations, it ought to be added, leave room for further study.

³⁹ 'Seven times' seems to have become the standing formula, though it is notable that not infrequently no number is specified, so, e.g., Lev. 5. 9; 16. 15; Num. 19. 18. Presumably in such cases seven was assumed as the number prescribed.

of the principle of killing a sacrificial animal of some kind in connexion with every atonement, or, to use the technical term, with every *ḥaṭṭāt* (חַטָּאת)⁴⁰—and the purification offering of the one who has had *ṣāra'at* falls within this category—demanding the killing of an animal. The old and primitive custom of using a bird as a scape-animal to which the *ṣāra'at* was transferred, would suggest by analogy the choice of a bird as the sacrificial animal. Lastly, the washing of the garment, the shaving of the hair of the body and the washing in water, were added to the ritual in accord with the general principle that after a period of uncleanness rites symbolical of the cleanly state upon which the individual now entered had to be performed. It is, of course, an open question whether in the earliest form of the purification ritual for the *ṣāra'at* this elaborate washing and shaving⁴¹ was included, but certainly at the

⁴⁰ The *ḥaṭṭāt* or 'sin-offering' rests on the same idea of the transfer of the disease to an animal, but the regulations regarding the *ḥaṭṭāt* represent a more advanced stage when the killing of the animal to which the disease was transferred had taken the place of merely sending it away, as was done with the wild goat of the Azazel rite. A bird or an untamed animal could be sent at large, but the domesticated sheep or bullock or ox would, of course, come back. This, together with the rise of an organized priesthood around a sanctuary and the practical need of providing an income for the priests, led to the change, involving the killing of the *ḥaṭṭāt*, the burning of those parts regarded as the vital organs, while the rest was given to the priests. Naturally, in the case of the 'sin-offering' for the high-priest or for the people, the entire animal was burned.

⁴¹ 'The washing of the garments and the bathing in water' is ordained throughout Lev. 15, for cases of bodily uncleanness; Lev. 17. 15 for one who has eaten 'abomination' or a 'torn' object (טֶרֶף *terēphah*); Lev. 16. 26-8 for the one who sends off Azazel and who burns the carcase of the 'sin-offering' bullock, and Num. 19. 8 for the one who burns the 'red heifer', and ver. 19 for the one who has come in contact with a corpse, as well as Num. 17. 21-2 for the one who has touched anything contaminated by a woman during her period. The shaving of the hair of the body is peculiar

stage when the three originally independent ceremonies were combined, the washing and shaving were also made a part of the ritual. Taking, therefore, the ritual as it stands we may distinguish in it earlier and later elements. The earlier elements are rites that originally were intended to exorcise the disease either by driving out the demon, as the cause of the disease, through the hyssop and cedar wood,⁴² or by transferring the disease (or what amounts to the same thing, transferring the demon) to some animal. Purification from the 'unclean' demon leads to the use of these rites as symbols of the ritualistic 'purification' at a later stage, when a ritual was compiled to mark the return of the victim to intercourse with his fellows. Instead of the diagnosis and cure, we have as part of the religious code the diagnosis and the official dismissal, both done

to the case of the one afflicted with *ṣāra'at*. In the case of the Nazarite (Num. 6. 18) only the hair of the head is to be shaved on the completion of the vow, though the underlying idea is the same as in the case of the *ṣāra'at* ordinance.

⁴² No sharp distinction can be drawn in the medicine of primitive peoples between an attempted cure by certain remedies and the exorcising of the demon through these remedies. The primary purpose of medicaments was to force the demon out through bad smells or to coax him out through fragrant odours. The benefit to the patient followed as a natural corollary. A cure was thus a release from the throes of the demon, but no doubt in time the positive aspects of medicaments as the common-sense view must have come to the front, though in the background there still stood the old conception of disease due to some unclean spirit which of its own accord or through the machinations of some sorcerer or witch had found its way into the body and was causing the trouble. It is rather strange how in this way the most primitive theory of disease touches modern pathology with its germ theory as an external substance that has found a favourable condition for growth in the body. Similarly, the crude belief of the savage, that death is not a necessary part of the order of nature but was introduced through special circumstances, anticipates to a certain extent the views of some modern biologists. See Frazer, *Belief in Immortality*, I, p. 84.

through the priest. The more distinctly religious element, which is also the later one, is the bringing of a sacrifice, and probably the ritual bath and shaving of the hair. The *ṣāra'at* code in its oldest compiled form thus consists of Lev. 13. 2-3, 9-13 and 14. 2-8 a, minus (a) the subsequent additions, comments, and glosses in both the diagnosis and the dismissal, and minus (b) the combination in the ritual of dismissal of four originally distinct elements, two of them of earlier and two of later origin.

In order to furnish a summary of the results thus far reached, I add the original⁴³ *ṣāra'at* legislation, forming a little Torah by itself:

אָדָם כִּי־יִהְיֶה בְּעוֹר בְּשָׂרוֹ נֹגַע צֹרַעַת וְהוּכָא אֶל־הַכֹּהֵן וְרָאָה הַכֹּהֵן אֶת־
הַנֹּגַע בְּעוֹר־הַבָּשָׂר וְשָׁעָר בִּנְגַע הַפֶּה לָכֵן וּמֵרָאָה הַנֹּגַע עֵמֶק מְעוֹר בְּשָׂרוֹ נֹגַע
צֹרַעַת הוּא וְטָמֵא אִתּוֹ

נֹגַע צֹרַעַת כִּי תִהְיֶה בְּאָדָם וְהוּכָא אֶל־הַכֹּהֵן וְרָאָה הַכֹּהֵן וְהִנֵּה שְׂאֵת־
לִבָּנָה בְּעוֹר וְהִיא הַפֶּה שָׁעָר לָכֵן צֹרַעַת נוֹשֶׁנֶת הִיא בְּעוֹר בְּשָׂרוֹ וְטָמֵאוּ
הַכֹּהֵן

וְאִם־פֶּרוֹחַ תִּפְרוּחַ הַצֹּרַעַת בְּעוֹר וְכִסְתָּהּ הַצֹּרַעַת אֶת כָּל־הָעוֹר וְרָאָה
הַכֹּהֵן וְהִנֵּה כִסְתָּהּ הַצֹּרַעַת אֶת־כָּל־בְּשָׂרוֹ וְטָהַר הַכֹּהֵן אֶת־הַנֹּגַע

וְהַצֹּרַעַת אֲשֶׁר־בּוֹ הַנֹּגַע בְּגִדָיו יִהְיוּ פָרָמִים וְרֹאשׁוֹ יִהְיֶה פָרוּעַ וְעַל־שִׁפְמוֹ
יַעֲטֶה וְטָמֵא טָמֵא יִקְרָא כָּל־יְמֵי אֲשֶׁר הַנֹּגַע בּוֹ וְטָמֵא מֵחוּץ לַמַּחֲנֶה מִוֹשְׁבוֹ
וְאֵת תְּהִיָּה תוֹרַת הַמִּצְוָה בְּיוֹם טָהַרְתּוֹ וְיֵצֵא הַכֹּהֵן אֶל־מֵחוּץ לַמַּחֲנֶה
וְרָאָה הַכֹּהֵן וְהִנֵּה נִרְפָּא הַצֹּרַעַת מִנֹּגַע־הַצֹּרַעַת וְצִוָּה הַכֹּהֵן וּלְקַח לַסֹּטֶהָר
שְׁתֵּי צִפֹּרִים חַיִּים וְצִוָּה הַכֹּהֵן וְשָׁחַט אֶת־הַצִּפּוֹר הָאֶחָת אֶל־כְּלִי־חֶרֶשׁ

⁴³ Original, in a qualified sense, for we are not in a position to restore the original character of the 'purification' or 'dismissal' section beyond the point above indicated, namely, that originally the rite was remedial and purificatory through the transfer of the disease or of the demon of the disease into the bird sent out at large. The ritual in this stage probably consisted of incantation formulae pronounced over the afflicted person with rites of sympathetic magic to induce the disease to pass over into the bird.

על־מים חיים וְטָבַל אֶת־הַצָּפוֹר הַחַיָּה בְּדָם הַצָּפוֹר הַשְּׁחָטָה וְהָיָה עַל
הַמִּטְהָר מִן־הַצָּרַעַת שִׁבְעַ פְּעָמִים וְטָהָר וְשָׁלַח אֶת־הַצָּפוֹר הַחַיָּה עַל־פְּנֵי
הַשָּׂדֶה וּבָבֶם הַמִּטְהָר אֶת־בְּגָדָיו וְגִלַּח אֶת־בְּלִשְׁעָרָיו וְרָחַץ בַּמַּיִם וְאַחֵר יָבֹוא
אֶל־הַמִּחָנֶּה

וְאֵת תּוֹרַת הַצָּרַעַת

‘If a man has on the skin of his flesh a *ṣāra’at*-mark and he is brought to the priest, and the priest sees the mark on the skin of his flesh, and that the hair at the mark has turned white, and that the mark appears deeper than the skin of his flesh, then it is a *ṣāra’at* mark, and he shall declare him unclean.

‘If there is a *ṣāra’at* mark on a man, and he is brought to the priest, and the priest sees that there is a white swelling on the skin which has turned the hair white, it is a chronic *ṣāra’at* on the skin of his flesh, and the priest shall declare him unclean.

‘But if the *ṣāra’at* gradually spreads on the skin until the *ṣāra’at* covers the entire skin, and the priest sees that the *ṣāra’at* covers the entire flesh, then the priest shall declare the mark clean.

‘And the one afflicted with *ṣāra’at* who has a mark, his garments shall be torn, and his hair shall grow wild, and he shall cover his moustache, and cry ‘unclean, unclean’. As long as he has the spot he shall be unclean; outside of the camp shall be his dwelling.

‘This is the law of the one who has *ṣāra’at*, on the day of his purification when the priest has gone to (the place) outside of the camp, and has seen that the *ṣāra’at* mark of the one afflicted with *ṣāra’at* is healed. Then the priest shall order two living birds to be taken for the one to be purified; and the priest shall order the one bird to be killed

over an earthen pot at running water ; and the living bird he shall dip into the blood of the killed bird, and he shall sprinkle over the one to be purified seven times, and declare him clean, and send off the living bird into the open. And the one purified shall wash his garments, and shave all his hair, and wash in water, and after that come to the camp. This is the law of the *ṣāra'at*.⁴⁴

III

A significant feature of this original form of the *ṣāra'at* code is its disassociation from any sanctuary. The victim, to be sure, is brought to the priest, but no ceremonies are enacted in any sanctuary, and the rite of purification or dismissal is carried out outside of the camp where the isolated victim dwells. Even the sacrificial bird is not killed at any altar. The case is different in a second ritual of purification beginning with Lev. 14. 8 b, and extending to 16. The independent character of this second ritual has, of course, been recognized by commentators.⁴⁵

This second code reads, exclusive of comments and additions, as follows :

'And he shall dwell outside of his tent⁴⁶ seven days,⁴⁷

⁴⁴ Subscript now at the end of Lev. 14. 57. See below, p. 399.

⁴⁵ See, e. g., Baentsch, *Leviticus*, p. 371.

⁴⁶ The Greek translation, evidently with a view of adapting the ritual to later social conditions when people dwelt in cities, reads 'outside of his house'. See above, note 24.

⁴⁷ Verse 9, reading 'And on the seventh day he shall shave all his hair [explanatory comment : his head and his beard and his eyebrows, and all his hair he shall shave], and wash his garments, and bathe his body in water, and be clean', is an addition taken from verse 8 a in order to make the second ritual conform with the first. The additions, 'his head', &c., are again in the nature of a Gemara, and represent the answers of the priest to the questions that would be asked as to what constitutes 'all his hair'. Does it mean the hair of the head? Yes. The beard? Yes. How about

and on the eighth day he shall take one lamb⁴⁸ and three-twentieths of fine flour mixed with oil,⁴⁹ and the priest shall place the one to be declared clean⁵⁰ before Jahweh.⁵¹ And the priest shall take the lamb⁵² and offer it as a guilt-offering,⁵³ and he shall kill the lamb in a holy place.⁵⁴ And the priest shall take of the blood of the guilt-offering, and the priest shall put (it) on the right ear-lap of the one to be declared clean, and on the right

the eyebrows? Yes. Some one not satisfied with this added, 'All his hair he shall shave'—to include the hairs on the breast, abdomen, legs, arms, and no doubt a strict construction in the spirit of Talmudical casuistry would include the hair around the privates.

⁴⁸ It is quite evident that originally only one lamb as a sin-offering (חטאת) was sacrificed. The brief manner in which the second lamb is introduced in ver. 19 a, 'and the priest shall carry out (עשה) the sin-offering (חטאת) and atone for the one to be cleaned' [addition: from his uncleanness], shows that the second lamb as a sin-offering is an after-thought, just as the 'ewe, one year old, perfect' (ver. 10 b), and which (19 b) he shall afterwards slaughter as a burnt-offering (עולה), are further additions in regard to which it is specified (ver. 20), 'and the priest shall offer up the burnt-offering [addition: and the meal-offering (מנחה) at the altar], and the priest shall atone for him, and he shall be clean'. The repetition of the phrase, 'he shall atone for the one to be cleansed', or 'he shall atone for him' in the case of the second lamb, and in the case of the one-year-old ewe is in itself sufficient to show that the ritual has been elaborated at a later period. The additions, 'and the *min/āh*' and 'at the altar', are again answers to the questions, (1) Is there to be a cereal-offering also with the burnt-offering? Yes: and (2) Shall it be offered at the altar just as the burnt-offering? Yes.

⁴⁹ Addition, 'one log of oil'.

⁵⁰ Explanatory comments: (a) i. e. 'the man to be cleaned', and (b) addition, 'and them'.

⁵¹ Explanatory comment: 'at the entrance of the tent of meeting', in answer to the question, 'What does "before Jahweh" mean?'

⁵² Addition, 'one'.

⁵³ Additions, (1) 'and the log of oil', and (2) 'wave them as a waving before Jahweh.'

⁵⁴ Explanatory comments: (a) 'in the place where one (usually) slaughters the sin-offering', to which some one added, (b) 'and the burnt-

thumb and on the right (large) toe.⁵⁵ And the priest shall sprinkle⁵⁶ of the oil seven times before Jahweh⁵⁷ . . . and the priest shall atone for him before Jahweh.'

The addition of an official sacrificial animal in cases involving purification from uncleanness to an earlier ritual, in which the leading idea was the exorcising of the unclean spirit, is a characteristic feature of the Priestly Code. So in Lev. 15, dealing with purification in the case of an unclean flow, the sacrificial regulations for the eighth day, vers. 14-15 and

offering', i. e. the 'holy place' means the altar on which sin- and burnt-offerings are usually brought. Other commentators added (c) 'for the guilt-offering (חטאת) is like a sin-offering (זבח) ', i. e. the two are on a level and to be treated alike. Cf. Lev. 7. 7. (d) 'It is holy of holies', (e) 'it is the priest's'. All five comments are, therefore, again in the nature of a Gemara to the Mishnah, answering such questions as (a) where is the 'holy place'? (b) why does he say 'guilt-offering' and not 'sin-offering'? (c) to whom does the guilt-offering belong? &c., &c.

⁵⁵ Ver. 15, 'And the priest shall take of the *log* of oil, and pour it on the left palm of the priest', is clearly a later addition, harking back to the 'one *log* of oil'. Note the awkward repetition of the word 'priest'.

⁵⁶ Addition, 'with his finger'.

⁵⁷ Ver. 16 a, 'And the priest shall dip with his right finger of the oil which is on his left palm', is an explanatory amplification superinduced by ver. 15, and representing the attempt to combine the oil of the *minḥah* with the '*log* of oil'. Ver. 17 is a further specification of what is to be done with the remaining oil; an answer, therefore, to a question, 'How about the oil that is left in the palm of the priest?' Answer, 'The rest of the oil which is on his palm, the priest shall put on the right ear-lap of the one to be purified, and on his right thumb, and on his right (large) toe'; taken over, therefore, from ver. 14. An explanatory comment further adds, 'over the blood of the guilt-offering' that has been placed on the parts named (ver. 14). Then some one asks, Suppose there is still some oil left in the palm of the priest, what then? Answer (ver. 18 a), 'And what is left of the oil which is in the palm of the priest, he shall pour on the head of the one to be purified'. It is to be noted that the Greek text occasionally omits the word 'priest'; so e. g. at the beginning of vers. 15 and 16, and occasionally inserts it; so e. g. in ver. 18, after 'he gives' (נתן), where the Hebrew omits it, pointing to considerable manipulation of the formal language of the ordinances.

29-30, are clearly insertions, shown to be such by the preceding verse which in each case (ver. 13 and ver. 28) ends by stating that the individual is 'clean'. Again in the 'atone-ment' ritual, Lev. 16, the second goat as a sin-offering (ver. 5) is an addition to the far older goat for Azazel, i. e. the goat to which the sin or uncleanness is to be transferred, just as the ram for the burnt-offering and the bullock of the sin-offering represent further layers. Similarly, in the Holiness Code, we come across this latter 'sacrificial' layer over an older one in which the sacrifice of an animal for the benefit of the priestly sanctuary does not enter into consideration. The twenty-third chapter of Leviticus, detailing festival regulations, the ordinances for the Passover, of unleavened cakes, abstaining from work on the first and seventh day,⁵⁸ and the waving of the Omer, as set forth in vers. 5-11 and ver. 14, constitutes the earlier stratum, whereas verses 12-13, adding a lamb as a burnt-offering, and a *minhah*, are insertions of a much later date. The same applies to the sacrificial ritual, vers. 18-20, which clearly represents an artificial attempt to connect an earlier ritual of 'waving' a cereal offering at the end of the grain harvest with the 'waving' of sacrificial animals. In the case of the 'Atonement' festival (vers. 23-32), it is noticeable that no sacrifice is mentioned at all, again pointing to the late addition of the goat introduced in Lev. 16. 5, &c., for the day.

The fact that the sacrificial ritual is prescribed for the eighth day⁵⁹ after everything is over shows that the older

⁵⁸ Ver. 8a, 'Ye shall bring a fire-offering to Jahweh for seven days' is an insertion to conform with the Priestly Code, Num. 28. 19-24, where the fire-offering is fully set forth and in great detail.

⁵⁹ Just as in Lev. 15. 14-15 and 29-30.

and essential element in this second ritual is the washing of the garments, the bathing and the shaving, as in the first ritual. Furthermore, the many additions in the case of the sacrificial ritual point to the tendency to emphasize the sacrifice as the essential element. The one animal as a sin-offering, which according to the present law (ver. 21) is permitted as a substitute only in case the individual is poor, was all that the sacrificial ritual in its earlier form required; and we are probably right in assuming that this earlier form followed the regulation of Lev. 4. 32, which prescribes a ewe as the guilt-offering.⁶⁰ To this a lamb as a burnt-offering (עֹלָה) was added; and not satisfied with this, an entirely unwarranted differentiation was introduced between a guilt-offering (זֶבַח עֲוֹנוֹת) and a sin-offering (זֶבַח חַטָּאת),⁶¹

⁶⁰ The little section (Lev. 4. 32-5) represents a different practice from the sections (a) Lev. 4. 3-12, (b) 4. 13-21, (c) 4. 22-26, (d) 4. 27-31, prescribing, according as the transgression is one committed by an anointed priest, by the whole people, by a chief, or by an ordinary individual, a bullock for the first two cases, a young goat for the third instance, and a young female goat for the fourth case.

⁶¹ The three offerings, עֹלָה, זֶבַח חַטָּאת and זֶבַח עֲוֹנוֹת, are found in Ezekiel (e. g. 40. 39), but in the Priestly Code (Lev. 5 and 7) no distinction is recognizable between זֶבַח חַטָּאת and זֶבַח עֲוֹנוֹת, and a commentator is, therefore, free to admit (Lev. 7. 7) that 'a sin-offering (זֶבַח חַטָּאת) is like a guilt-offering (זֶבַח עֲוֹנוֹת) — one law'. Evidently, the difference between the two was originally merely one of local usage of the term; in one locality, now represented by ch. 5. 1-16, זֶבַח חַטָּאת being used, in another place, now represented by the little section 5. 17-26, and ch. 7, זֶבַח עֲוֹנוֹת was employed. Of the two terms, זֶבַח עֲוֹנוֹת ('*ašam*') seems to represent the older usage. The זֶבַח חַטָּאת, therefore, is the one added in Lev. 14, in accord with the tendency to increase sacrifices, though the result is a double sin-offering, since there is no distinction between '*ašam*' and *ḥaṭṭāt*. The regular addition of the *ōlāh* (burnt-offering) to a *ḥaṭṭāt* (sin-offering) is again an illustration of this tendency, though here a factor involved is the consciousness that the sin-offering rests upon the old notion of the transfer of the disease or sin to the animal, whereas the 'burnt-offering' is the tribute to the angered deity who is to be appeased by the 'pleasant fragrance', which is what the phrase

and thus another lamb was added; and lastly, a cereal offering (מִנְחָה) was attached,⁶² making, therefore, no less than four separate sacrifices. Even with this the process of heaping up one layer after the other upon the sacrificial ritual was not completed. The ordinary cereal offering for a lamb consisted of one-tenth of an *ephah* of fine meal, mixed with oil,⁶³ but in our case the amount is raised to three-twentieths,⁶⁴ and besides the mixture of the flour with oil, a special quantity (*log*) of oil is added (Lev. 14. 10 c, 12 b, 15 a).⁶⁵ The 'waving' of the sacrificial animal is prescribed (ver. 12 b), the elaborate ceremonial of touching the ear, finger, and toe of the individual with the oil,⁶⁶ the sprinkling seven times 'before Jahweh',⁶⁷ again a touching of the ear, רִיחַ נִחוּחַ originally connoted. The 'substitute' offering (Lev. 5. 11) of one-tenth of an *ephah* of fine meal in the case of one too poor to offer two turtle-doves or two young pigeons belongs, of course, in a different category. It is not attached to another offering, nor is it ever technically designated as a מִנְחָה but as חֲטָאתָה (ver. 12), though a misplaced note, 'it shall be for the priest as a *minḥah*' (ver. 13 b), shows that some pedant could not tolerate a bloodless offering to be called a *ḥaṭṭāt*. In Num. 6, a compilation of various layers dealing with the one who has made a vow, the cereal-offering is added to the burnt-offering, sin-offering, and peace-offering at the termination of the vow period (vers. 15-18), though the word מִנְחָה is only introduced in the gloss or comment at the end of ver. 15. This is heaping up sacrifices with a vengeance, due to the endeavour to legitimize an old custom of temporary consecration by giving to the one who makes a vow the temporary status of a priest.

⁶² There is no *minḥah* attached to the *ḥaṭṭāt* or 'ašam in Lev. 4. 5, 7.

⁶³ The mixture with oil is a constant factor of the *minḥah*, expressed (Lev. 2. 1, 15) by 'oil poured upon it'. On the other hand, the 'frankincense' (לִבְנָה) also prescribed with the *minḥah* was not carried out, at least not in the practice, which is set forth in Lev. 2.

⁶⁴ Also Num. 15. 9; 28. 12, 20, 28; 29. 14.

⁶⁵ This measure of oil occurs in this chapter only.

⁶⁶ Part of the ceremony of initiation of priests, Exod. 29. 20; Lev. 8. 23, 24, though here the blood is used to make the priest immune against demons.

⁶⁷ The expression 'before Jahweh' is evidently looked upon as identical with 'at the entrance of the tent of meeting', and, therefore, the latter

&c., of the individual with oil, and anointing the head with what is left (ver. 18). Verse 19 specifies the addition of a 'sin-offering' and a 'burnt-offering', and verse 20 is a comment in the nature of a Gemara to indicate that the burnt-offering is to have its cereal offering accompaniment, just as the sin or guilt-offering. We thus find this section overloaded with sacrificial regulations in accordance with the tendency towards a steadily-increasing elaboration of sanctuary ceremonials, so characteristic of the later layers of the Priestly Code.⁶⁸

This rather lengthy discussion was necessary to show phrase is added as a gloss in ver. 11, and so also Lev. 15. 14, as well as Lev. 4. 5, where the gloss has been placed before the words 'before Jahweh'. In Exod. 29 and Lev. 8, furnishing the rites for the initiation of priests in two recensions, the expression used is 'at the entrance of the tent of meeting', from which we may conclude that the sections prescribing the wafers and the basket of unleavened bread, together with the 'waving' (Exod. 29. 23-4; Lev. 8. 26-7) where 'before Jahweh' is used, represent elements from some other source. In Lev. 1-7, therefore, as well as Lev. 13-16, the characteristic expression is 'before Jahweh', and wherever the other appears (e.g. also Lev. 15. 29) it is to be regarded as an explanatory addition. In the Holiness Code, likewise, אֶהְיֶה מוֹעֵד appears to be the later addition, though this Code uses by the side of לִפְנֵי יְהוָה (19. 22; 23. 11; 20-28; 24. 4-6) the simple phrase לִיהוָה (Lev. 17. 5b, 9; 19. 21; 22. 22, 27; 23. 5, 6, 12, 16, 18, 20, 25, 27, 38, 41; 24. 7, &c.). Even Lev. 17. 4, 9, the words 'to the entrance of the tent of meeting', despite their position, are explanatory glosses, in the former passage to לִפְנֵי מִשְׁכַּן יְהוָה, in the latter to לִיהוָה. Sections in which the phrase 'at the entrance of the tent of meeting' is the original reading (e.g. Exod. 29 and Lev. 8) represent an older stratum of legislation, and may very well date back *in substance* to a very early period; whereas the phrase 'before Jahweh' shows that the compiler has in mind the sanctuary of Jerusalem, the gloss being added to conform to the theory that the *entire* legislation reverts to the day of Moses.

⁶⁸ A good illustration of this tendency towards overloading is furnished by a comparison of the sacrifices for the new moon prescribed in Ezek. 46. 6 with the additions made in Num. 28. 11, one young bullock as against two, six lambs as against seven. See Carpenter and Battersby, *The Hexateuch*, I, p. 128.

the wide abyss between the first ritual (Lev. 14. 1-8), not performed in a sanctuary and with but little added to the exorcising rites though converted into a purification or dismissal ceremony, and the second ritual, which attaches to a simple cleansing ceremony a most elaborate series of sacrificial rites.

In the same spirit the substitute ritual, vers. 21-27, is conceived, permitting the poor man to bring merely one lamb, reducing the amount of the meal to one-tenth, and replacing the second lamb and the ewe by two turtle-doves or two pigeons. I have suggested⁶⁹ that what is here permitted as a substitute may have been the offering prescribed for an earlier period. Be that as it may, the dependence of this section upon the preceding one is instanced by the introduction of the *log* of oil (vers. 22, 24), and the ceremony of sprinkling and touching the ear-lap of the individual (vers. 25-29), identical with vers. 14-19, and taken over bodily from the latter, just as the wording in vers. 30-31 is taken from ver. 19.⁷⁰ Then follows a separate subscript for this section (vers. 21-31), but in which the words *אֲשֶׁר לֹא תִשֶׁג יָדוֹ* are probably an addition, so that the subscript belonging originally after ver. 20, or perhaps after 8 a, once read 'This is the Torah for the cleansing of the one who has a *nega' šārā'at*'.

⁶⁹ Above, p. 379. Cf. the substitute which is provided for the guilt- (or sin-) offering, Lev. 5. 7-10 (two turtle-doves or two pigeons without a *minḥah*), and a further substitute for the one who cannot even afford this (vers. 11-12) of one-tenth of an *ephah* of meal without oil or frankincense. This, of course, is not a *minḥah* in the ordinary sense. The word *בְּמִנְחָה* at the end of ver. 13 is clearly a late addition.

⁷⁰ The correct construction is *וְעֵשָׂה אֶת־הָאֶחָד מֵאֲשֶׁר תִּשֶׁג יָדוֹ חֲמֵסֶה*. To this a commentator adds as a note, 'the one', namely, 'of the turtle-doves or of the pigeons which he can afford'.

IV

Having now discussed the original form of the diagnosis and treatment of the *šāra'at* and the purification or dismissal rites of the one who has been healed of it, we may proceed to an analysis of the remaining sections of Lev. 13-14, namely, (a) Lev. 13. 4-8; (b) 14-17; (c) 18-23; (d) 24-28; (e) 29-37; (f) 38-39; (g) 40-44; (h) 47-58; (i) 14. 33-53. The first section deals with the 'shining spot' (*baheret*) on the skin and the 'growth' (*sappahat* or *mispahat*).⁷¹ In contrast to the case (ver. 3) where the hair at the mark has turned white and the mark is deeper than the skin, in which case it is pronounced a *šāra'at*, or (ver. 9) where the swelling on the skin (i. e. a mark higher than the skin) has turned white, in which case it is likewise *šāra'at* of a chronic type, the case is put forward (ver. 4) of a white mark not sunk in the skin (i. e. even with the surface) and where the hair has not turned white. Such a case is regarded as a 'suspect', and the individual is put under guard for seven days. If after seven days there is no change, another seven days' observation is ordained. After that two contingencies are instanced, either (a) the mark has grown fainter and not spread, in which case it is pronounced a harmless 'growth' and the suspect is dismissed as clean,⁷² or (b) the growth *after* the formal dismissal spreads, in which case the suspect is unclean. According to the close of ver. 8 it is declared

⁷¹ See above, p. 360. In ver. 1 the terms *שִׁמְתָּ אוֹ בַּהֲרֵת אוֹ מִסְפַּחַת* are an insertion to make the heading conform to the contents of vers. 1-13. The *שִׁמְתָּ* is treated ver. 10 *seq.* The more natural order of the insertion would have been, *baheret*, *sappahat*, and *se'et*. An interesting reference to the various kinds of *negā'im* is found Deut. 17. 8.

⁷² Addition (ver. 6c), 'he shall wash his clothes'. The addition probably read in full 'he shall wash his garments and bathe in water', but it is here given in an abbreviated form.

to be *ṣāra'at*, but I am inclined to regard this as a later addition made at a time when *ṣāra'at* was used in a very general sense for any skin disease which was regarded as unclean.⁷³ At all events, the spreading growth is not of the same order as the *ṣāra'at* described in vers. 3 and 10.

The second section (vers. 14-18) takes up the case where raw flesh appears in connexion with a mark which (vers. 14-15) is declared unclean. The double decision (*a*) טָמֵא הֵיא 'it is unclean', and (*b*) צִרְעַת הֵיא 'it is *ṣāra'at*' at the end of ver. 15 is suspicious, and I am inclined to regard the second decision again as a later addition to be explained as the one at the end of ver. 8. Correspondingly, the decision 'he is clean' is rendered in case the raw flesh turns white, and after the priest has satisfied himself that the spot has turned white. The raw flesh turning white simply means, therefore, that the skin assumes its natural appearance. These two sections, therefore, are in the nature of a Gemara to the original form of the *ṣāra'at* Mishnah, as above set forth. Precisely as in the talmudical discussions, various questions are asked, such as how about a white shining mark which is not deeper than the skin, and where the hair has not turned white? Answer: Such an one is to be observed for seven days. Suppose the mark remains unchanged? Answer: Observe him for another seven days. If it grows faint and does not spread? Answer: טָהוֹר 'he is clean'. Suppose it comes back and spreads? Answer: טָמֵא 'unclean'. How about raw flesh on the skin? Answer: טָמֵא 'unclean'. Suppose the raw flesh turns white? Answer: טָהוֹר 'clean'. In a practical hand-book the discussions are omitted and the decisions alone are given.

The third section continues the 'Gemara', and like the

⁷³ See below, pp. 389, 392, and 400 f.

talmudical Gemara grows in complication as question follows fast upon question. How about the case of a boil (*šēḥīn*) that is healed, but after the healing process 'a white shining spot'⁷⁴ even with the surface appears?⁷⁵ Verse 20 gives the answer: 'The priest shall examine (it), and if it is deeper⁷⁶ than the skin and the hair has turned white, the priest shall declare him unclean'.⁷⁷ The commentator quotes the established diagnosis. Nothing is added to the law—merely an answer given to a question that appears to be asked from a theoretical rather than from a practical motive—an early variety of the 'hypothetical question'. The question, however, having once been asked, the other case as in ver. 4, must be considered: suppose the hair has not turned white, and the spot does not appear lower⁷⁸ than the skin. The answer is: The priest is to shut him up as a suspect for seven days, just as in ver. 4. Verse 22, corresponding to ver. 7, decides that if the spot spreads,⁷⁹ it furnishes the decision 'unclean' with the usual subsequent addition נֶגַע (nega'), i.e. abbreviated for 'it is a *šāra'at* mark'.⁸⁰ Similarly, the question is also put here: Suppose

⁷⁴ Some commentator who wanted to be very exact added (v. 19) 'reddish', since as a matter of fact a shining spot, even when it appears to be white, is tinged with red. The words 'white' and 'swelling' are also added.

⁷⁵ An explanatory comment, misplaced at the end of ver. 20, says 'spread where the boil (was)'.

⁷⁶ The text uses שְׁפִלָּה for 'deep' instead of עֲמֻק in vers. 3-4, indicative of another writer, or of a different stratum.

⁷⁷ Once more the later addition 'it is a *nega' šāra'at*', as above (see note 4).

⁷⁸ The words וְהָיָא כְּהָה (ver. 21) 'and it is faint' are not in place. I suspect an abbreviated note to indicate, as in ver. 6, that if after seven days 'the spot has grown faint and has not spread' the suspect is dismissed.

⁷⁹ Again given in abbreviated form. We must supply 'reappears and spreads' after the dismissal, as in ver. 7.

⁸⁰ The very fact that we encounter the abbreviated form in the decision VOL. IV.

the 'shining spot' remains stationary, and does not spread? The answer should be as in ver. 5—a further observation of seven days. Here, however, a new diagnosis is given. When such a spot appears on the skin where there had been a boil, the stationary character after seven days shows that it is the scar of the boil (צִרְכָּת הַשָּׁחִין), and the decision, therefore, is טָהוֹר 'clean'. The same lengthy discussion follows in the next 'Gemara'—the fourth section (vers. 24–28)—where the case is put of a white spot appearing in connexion with a burn. The hypothetical question originally read as follows:⁸¹ 'If there should be on his skin a burn, and the healed burn⁸² should become a white shining spot.'⁸³

Once more the ordinary diagnosis is repeated: If the hair has turned white at the shining spot, and the spot is deeper⁸⁴ than the skin, it is unclean.⁸⁵ If neither of these symptoms appears,⁸⁶ the suspect is observed for seven days; if, at the end of that time, the spot spreads, he is unclean;⁸⁷ 'if the shining spot remains stationary, with-
 ṣāra'at (vers. 8, 15), by the side of *nega' ṣāra'at* (ver. 20) and *nega'* (ver. 22), shows the very general and conventional usage acquired by *ṣāra'at* as a generic term, and not as a specific designation.

⁸¹ Hebrew text או ('or'), whereas the Greek version has 'and'.

⁸² Text מַהֲיֵית הַמִּכְהָה, which appears to be a semi-technical term for the burn that has been healed, corresponding to the healed boil in the fourth section.

⁸³ Addition again (ver. 24) as above in ver. 19, 'reddish', i. e. 'reddish white', to which another commentator added 'or white', to indicate that a 'white' *ṣāra'at* includes a shining spot entirely white, or reddish, i. e. white tinged with red.

⁸⁴ Here (ver. 25) עֵמֶק is used as in ver. 3–4, but immediately thereafter (ver. 26) נֶשְׁפָּלָה.

⁸⁵ Again the usual conventional addition, 'it is a *nega' ṣāra'at*', i. e. a '*ṣāra'at* mark'.

⁸⁶ The words 'and it is faint' are again out of place here, as above note 78.

⁸⁷ With the addition, 'it is a *nega' ṣāra'at*'.

out spreading in the skin,⁸⁸ the priest pronounces him clean, since it is a (mere) 'scar of a burn'.

The fifth section takes up and discusses in great detail (vers. 29-37) the various symptoms connected with marks or sores on the head or beard, to which the generic designation of *netek*⁸⁹ is given, and which are evidently open sores of some kind. The introductory statement reads:

'If a man⁹⁰ has a mark (*nega'*) on the head or beard, and the priest sees it, and it appears deeper than the skin, and there is thin shining hair⁹¹ in it, then the priest shall declare him unclean—it is an open sore⁹² (נֶתֶק).'

The two tests of the diagnosis: (1) that the spot is deeper than the skin; (2) the appearance of a yellowish hair indicating that the sore has changed the colour of the

⁸⁸ Two comments, (a) 'it is (also) faint', to make the verse correspond to ver. 6; (b) שֹׁאֵת הַמִּכּוֹה הִיא 'it is the swelling (*se'el*) of the burn' (*ha-mikwah*), as a variant to צֶרֶבֶת הַמִּכּוֹה הִיא 'it is a scar of a burn'.

⁸⁹ The Greek renders it by *τραῦμα* 'wound'. The underlying stem means 'to pull off violently', showing that *netek* must be an open sore through the pulling away of the skin, a kind of ulcer. Just as we have נָעַע and צָרַעַת, so נָעַע הַנֶּתֶק (ver. 31) is used by the side of נֶתֶק; and נָעַע is used to designate a נֶתֶק (ver. 32) as well as צָרַעַת.

⁹⁰ The text adds 'or woman', but the continuation shows that only man was here referred to, though naturally the law, as all laws dealing with disease or sin, applies to both sexes. In ver. 38, on the other hand, the words 'man or woman' belong to the original form of the little section, which is moreover misplaced; similarly, Lev. 20. 27 or Exod. 35. 29, but, on the other hand, 'woman' is added by a later hand in Num. 6. 2, as is shown by a comparison with Lev. 27. 2, while Num. 5. 6 both 'man' and 'woman' are added, the text reading simply, 'speak to the Bene Israel', as in ver. 2 'command the Bene Israel'.

⁹¹ *ṣāhōb* (צָהָב) used only in this chapter and in Ezra 8. 27, in the latter passage of a copper vessel.

⁹² Addition, 'it is a *ṣāra'at* on the head or beard', clearly marked as such by the repetition of the word הוּא.

hair at the spot, are precisely of the same character as given in the preceding section, with the comparatively unimportant difference as to the nature of the change in the colour of the hair. The difference between white or reddish white or shining might easily be a subjective differentiation, the fact being that the change in the pigment of the hair brings about a colour that is not pure white, and may, therefore, be designated as reddish, or reddish and white, or simply shining.

The following verses 31-37 again show traces of many later additions and of re-editing. The original text must have run as follows:

‘If the priest sees that the *netek*⁹³ mark is not deeper than the skin, and there is no shining⁹⁴ hair in it, then the priest shall shut up the *netek* for seven days, and if on the seventh day the priest sees the mark and behold the *netek* has not spread,⁹⁵ then he shaves himself,⁹⁶ and

⁹³ Text, גִּנֵּעַ הַנֶּתֶק. See note 89.

⁹⁴ The Hebrew text has ‘black hair’ (perhaps a variant that has replaced *āhōb*), for which the Greek version has the correct form ‘shining hair’.

⁹⁵ Addition, ‘and there is no shining hair in it, and the *netek* is not deeper than the skin’; the inversion pointing to the fact that it is a later explanatory amplification or note.

⁹⁶ The Greek version says ‘he shaves his skin’; evidently a cleansing ceremony like washing the garments and bathing in water if the mark is on the body. A second procedure in the case of a suspected mark provided that the victim ‘must not shave the *netek*’ (ver. 33), and must be shut up for seven days. The two procedures were erroneously combined, and so we have in ver. 33, for *no reason whatsoever*, a second period of seven days’ observation. It may be, too, that the second test of seven days is misplaced, and belongs in connexion with ver. 37, where the *netek*, after the first seven days, remains unchanged, and which would then correspond with ver. 5. At all events, vers. 33-4, beginning with וְאֶת־הַנֶּתֶק לֹא יִגַּלֵּחַ and extending to וְטָהַר אֹתוֹ הַכֹּהֵן, are originally a duplicate of ver. 32 with the addition of the words וְהִתְגַּלַּח וְכַבֵּם בְּגִדָיו וְטָהַר, which belong to the first procedure.

washes his garments and is clean,⁹⁷ but if the priest sees that the *netek* has spread in the skin,⁹⁸ he is unclean.'

To this a later and quite superfluous corollary—forming an answer to the question, 'how about a *netek* that remains unchanged and a black hair springs up in it, i. e. hair of the natural colour?'—adds (ver. 37):

'If the *netek* remains the same and a black hair springs up in it, the *netek* is healed⁹⁹—he is clean.'¹⁰⁰

Now it will have become evident that in none of the five sections so far considered is there any reason to assume that we have variants of a particular disease known as *ṣāra'at*. The term when introduced in these sections has been shown to be a later addition, and is, moreover, taken in a generic sense as an 'unclean' skin trouble, and not as a designation of any specific disease. The same is the case with the two remaining sections—(6) vers. 38–39 and (7) vers. 40–44—before we reach the point where the thread of the original and genuine *ṣāra'at* legislation is again taken up. In fact, in the case of the sixth section the term *ṣāra'at* is not even introduced, and it is evident that this little section, consisting of only two verses without the

⁹⁷ See the preceding note.

⁹⁸ Ver. 35, 'If the *netek* has spread on the skin after his purification', is entirely superfluous, added in view of the erroneous combination of the two procedures. Ver. 36 a is a doublet to ver. 35 a.

⁹⁹ Comment, ver. 36, 'The priest need not (even) hunt for the shining hair', for it would make no difference in the decision that the victim is 'unclean'. The comment is an answer to the question, Why is nothing said of the shining hair in case the *netek* has spread?

¹⁰⁰ A superfluous comment or a misplaced gloss adds, 'and the priest declares him clean'. It is to be noted that in ver. 37, as in ver. 5, the phrase 'stands in his eyes' is used to express the idea that the mark is unchanged, as against the phrase in ver. 28 'stands under it', pointing again to the different editors or commentators from whom these additions and comments and answers to implied questions emanate.

amplification, as in the preceding five, is a supplement to verses 4-8 and 24-28 dealing with 'shining' marks in the skin. The text originally read:

'If a man or woman has shining marks¹⁰¹ on the skin¹⁰²—it is clean.'¹⁰³

The seventh section deals with baldness, and various kinds of bald spots, and certainly has nothing to do with the real *ṣāra'at*. In its original form the section read:

'If a man loses the hair of his head¹⁰⁴—he is clean. If there is a white mark¹⁰⁵ at the bald place,¹⁰⁶ and the priest sees that there is a white swelling mark,¹⁰⁷ the priest shall surely declare him unclean.'¹⁰⁸

¹⁰¹ A gloss adds 'shining white marks'.

¹⁰² The first part of ver. 39, 'And the priest sees the shining spots' (gloss, 'faint white marks'), is a 'Gemara' to point out that the priest is the one who must determine the harmless character of the spots.

¹⁰³ Explanatory comment, 'It is a tetter (*bōhaḳ*) that has broken out on the skin'. On *bōhaḳ* corresponding to the modern Syriac *bahaḳ*, see the note on p. 76 of Driver's Book of Leviticus in the Polychrome Bible, ed. Haupt.

¹⁰⁴ Comment, 'he is a bald person' (קַרְחַ). To this ver. 41, in the nature of a Gemara, adds, 'If the front part of his head is bald he is forehead bald (קַרְחַת), he is unclean'.

¹⁰⁵ Additions, (a) 'reddish', like ver. 19, &c. See notes 74 and 83.

¹⁰⁶ Addition, in view of ver. 41, 'or at the forehead baldness'. There follows the further comment, as in the above discussed five sections, 'it is *ṣāra'at*', to which some other commentator adds 'in his baldness' or 'his forehead baldness' (i. e. 'a *ṣāra'at* of his baldness or of his forehead baldness'), again in view of ver. 41. The Hebrew text also has 'breaking out' (פֶּרַחַת הִיא); but the Greek properly omits this, which is clearly added in view of the addition 'breaking out' in ver. 39. See notes 120 and 121.

¹⁰⁷ שְׁאֵת־הַנֶּנֶע לְבָנָה, to which again are added (a) 'reddish' and (b) 'in his baldness or forehead baldness'.

¹⁰⁸ No less than four further comments are added: (1) 'like the appearance of *ṣāra'at* of the skin of the flesh' (עוֹר בְּשָׁר), harking back to vers. 2-3; (2) 'אִישׁ צָרוּעַ הוּא' 'he is a man afflicted with *ṣāra'at*', where the combination of 'man' with *ṣārū'a*, as against *ṣārū'a* alone in ver. 45 (forming part of the original *ṣāra'at* legislation), points to the artificial addition;

The result, therefore, of our investigations so far has been to show that none of the symptoms detailed in the seven sections superimposed upon the original *ṣāra'at* legislation have anything to do with the disease described in the original portion of the two chapters, and that these superimposed sections are to be regarded merely as an index of that natural tendency to differentiate among a large variety of skin troubles due in part to advancing medical knowledge—though medicine in a primitive state—and in part to the interest, partly practical, partly theoretical, in legal enactments, prompting questions to which answers must be given, and suggesting legal niceties that need to be discussed—a process in short, that, as has been emphasized above, is of the same general character as that to be noted in the great compilation of Rabbinical Judaism, and which led to the growth of an enormous Gemara about a comparatively simple series of enactments grouped together as Mishnah.

This process is continued and carried still further in the two sections of Lev. 13 and 14 that still remain to be discussed: (8) Lev. 13. 47-58, regarding suspicious spots or marks on garments and stuffs; (9) Lev. 14. 33-47, to which verses 48-53, a cleansing ritual corresponding to 14. 4-7 is attached.

(3) טִמֵּא הוּא 'he is unclean', quite superfluous, and added merely as a conventional phrase; (4) 'His mark is on his head', again in the style of a 'Gemara' in answer to the question, Can *nega'* be applied to the head as to the rest of the body? The first comment is in the nature of an explanation of the phrase 'a white swelling mark', to suggest a comparison with the diagnosis of the 'white swelling' (ver. 10), and on the erroneous assumption, prompted by the conventional addition of *ṣāra'at* throughout these sections, that all these skin troubles are forms of a specific *ṣāra'at* disease.

Taking up the former, the use of the term *nega' šāra'at* (vers. 47, 49, (or *šāra'at*) 51, 52) for such spots on garments and stuffs is a further proof, if one were still needed, that *šāra'at* had lost any specific meaning that it may once have possessed, for such a thing as 'leprosy', or any disease peculiar to man, is a manifest absurdity in the case of garments or stuffs. The reference must be to moulds of some kind or other. Moreover, as in other sections, נֶגַע צִרְעָת alternates with נֶגַע and צִרְעָת, the fuller or the abbreviated expression being synonymously used for a mark that is suspicious or unclean. The section shows distinct traces of dependence upon the original *šāra'at* legislation,¹⁰⁹ and represents, therefore, the further natural extension of the general subject of marks or spots outside of the human body. Just as in the other sections, we are here also in a position to separate the original portion from subsequent accretions, again offering analogies to the 'Gemara' superimposed upon the 'Mishnah'. The section begins:

'If there is a mark¹¹⁰ on a garment, and the mark is greenish or reddish,¹¹¹ the priest shall see the mark and

¹⁰⁹ e.g. in the shutting up of the suspected garment, &c., for seven days; in the diagnosis, whether the mark has spread or remained steadfast; in the washing of the garment, corresponding to the washing of the body and the shaving of the head.

¹¹⁰ Text, נֶגַע צִרְעָת, where, however, צִרְעָת is an erroneous addition, as shown by the consistent use of נֶגַע alone in the portion of the following verses dealing with the merely suspected mark. It is only in case the mark by the test is proved to be unclean that the word *šāra'at* can properly be added. There is added (a) the explanatory Gemara 'in a garment of wool or in a garment of flax', and then (b) the further amplification in answer to the questions, How if it appears in the warp or in the woof only? Does this apply also to wool and flax? How if it appears on a prepared skin, i. e. leather or on something made of a skin? The answer is, 'or in the warp or in the woof of wool or flax [so the Greek text], or in a skin or in anything made of skin'.

¹¹¹ 'Greenish' may be a later addition, since in the other sections 'reddish

shut up the mark for seven days. If the priest¹¹² sees on the seventh day that the mark has spread on the garment,¹¹³ the mark is unclean; and he shall burn the garment¹¹⁴ in which is the mark;¹¹⁵ but if the priest sees that the mark has not spread in the garment,¹¹⁶ the priest shall command to wash¹¹⁷ the (part) where the mark is,¹¹⁸ and the priest shall inspect the mark after it has been washed, and if the mark has not altered its appearance¹¹⁹—it is unclean.¹²⁰

alone is introduced. Once more the addition, 'or in a skin, or in the warp or in the woof, or in any object made of a skin'. Then follow the two further additions, (1) 'it is a *ṣāra'at* mark', as in the preceding sections, and (2) 'it shall be shown to the priest'.

¹¹² So the Greek text.

¹¹³ Two comments, (a) the customary addition 'or in the warp, or in the woof, or in a skin, including whatsoever is made of the skin', and (b) *צִרְעַת מְמָאֶרֶת*, meaning probably 'persistent *ṣāra'at*', corresponding to 'chronic *ṣāra'at*' (ver. 11).

¹¹⁴ Again, 'or in the warp, or in the woof, in the flax or the wool or any object made of skin'. The variations in this conventional addition, such as the omission of the 'skin', the change in the order of enumeration, the variant usage to indicate anything made of leather, clearly point to the supplementary character of the insertions.

¹¹⁵ Explanatory comment, 'because it is a "persistent" mark it shall be burnt in the fire'.

¹¹⁶ 'Or in the warp, or in the woof, or in any object made of skin.'

¹¹⁷ Hebrew text plural (*וַיִּבְשֹׁ*), whereas the Greek text has the singular.

¹¹⁸ At this point the original text has been more seriously interfered with by the addition of a second period of seven days' observation, added evidently to bring about a correspondence with Lev. 13. 5, where, however, the point is that the mark has remained steady. The ordinance, in its original form, prescribed the washing of the spot as a further test.

¹¹⁹ Explanatory comment, 'though the mark has not spread'.

¹²⁰ Two additions, (1) 'in the fire thou shalt burn it' (note the variant usage), and (2) it is a *peḥetet* (*פְּחֶתֶת*), which, according to the tenor of the Greek rendering (*ἐστρηγίξεται*), designates 'a deeply ingrained mark'. The further addition, (3) 'in its baldness or its forehead baldness', is evidently a misplaced addition belonging somewhere in the seventh section (vers. 40-44). It is strange that none of recent commentators, neither Driver, nor Carpenter, nor Baentsch, nor Bertholet, has noticed this. The Greek version reads

But if the priest sees that the mark has grown faint after the mark has been washed, he shall tear it out of the garment,¹²¹ and the garment¹²² which has been washed, and from which the mark has disappeared,¹²³ it is clean.' The beginning of ver. 59, 'This is the *torah* of the *ṣārā'at* mark', belongs, as clearly indicated, to the original *ṣārā'at* legislation, to which a final redactor who had merely this eighth section before him, and which must have once occupied an independent position, added, 'a garment of wool or flax, or the warp or the woof, or any object of skin, with reference to its being clean or its being unclean'.

Taking up, finally, the ninth section (Lev. 14. 33-53) we have its originally independent character (as has been recognized by commentators)¹²⁴ indicated by the special introductory clause: 'When you come to the land of Canaan, which I give you as an inheritance,¹²⁵ and I put

'in the garment, or in the warp, or in the woof', which is at least intelligible. 'Baldness' and 'Forehead baldness' become, of course, nonsensical when applied to garments. The entire gloss, *פִּתְחָתָהּ הִיא בְּקִרְחָתָהּ אוֹ בְּנִבְחָתָהּ*, is a variant of ver. 42 b, and *פִּתְחָתָהּ* may be simply a corruption for *פִּרְחָתָהּ* in ver. 42.

¹²¹ Addition, 'or from the skin, or from the warp, or from the woof'. The entire fifty-seventh verse represents a group of additional comments, as follows: (a) 'If it should reappear in the garment, or in the warp, or in the woof, or in any object of skin, it is a spreading mark' (*פִּרְחָתָהּ*); (b) 'In the fire thou shalt burn it'; (c) 'where the mark is', the latter again a misplaced comment.

¹²² Addition, 'or the warp, or the woof, or any object of skin'.

¹²³ Explanatory comment harking back to the addition in ver. 54 (see note 118), 'and washed a second time'.

¹²⁴ See, e. g., Carpenter and Battersby, *Hexateuch*, II, p. 162, note 33; Baentsch, p. 374; Driver, *Leviticus*, p. 77, note 22, &c.

¹²⁵ A similar phrase in Lev. 19. 23; 25. 2 and Num. 15. 2 marks the introduction of an independent little Torah and, as it would appear, either

a mark¹²⁶ in a house,¹²⁷ and the one to whom the house belongs comes and tells the priest, to wit: "something like a mark has appeared in my house". Then follows (ver. 36) a curious provision, that before the priest comes the house is to be cleared of the furniture so as to save that from also being pronounced unclean. This practical device, which shows that questions of sanitation could not have been uppermost in the minds at least of those who commented upon the legislation, looks very much again like an answer to the question whether one may remove one's furniture before the mark is examined, and thus save it from possible destruction in case the whole house is condemned. At all events, verse 35 must be joined directly to verse 37.

'And when the priest sees that the mark¹²⁸ on the walls of the house forms greenish¹²⁹ or reddish patches, and that they are deeper than the wall, then the priest shall go out of the house to the door of the house,¹³⁰ and close up the house for seven days; and the priest shall return on the seventh day, and if he sees that the mark has spread on the walls of the house, the priest shall order the stones where the mark appears to be removed, and to be thrown

of a supplementary character, as in our case, and in Lev. 19. 23 and 25. 2, or in the nature of a general summary, as Num. 15. 2. In all cases the legislation thus introduced is late, representing, in fact, the latest stratum in the Priestly Code.

¹²⁶ Text, נֶגַע צֶרַעַת, but here again, as Lev. 13. 47, *ṣāra'at* is out of place, and anticipates the result of the diagnosis.

¹²⁷ Addition, 'of the land of your possession'; Greek versions read 'houses'.

¹²⁸ The Hebrew has a superfluous 'and behold the *nega'*', which is omitted in the Greek version.

¹²⁹ 'Greenish' may be a later addition. See note III.

¹³⁰ Note the discursive style, characteristic of this ninth section.

outside the city,¹³¹ and other stones to be taken and brought in place of the stones.¹³² And if the mark reappears and spreads on the house after he has removed the stones,¹³³ then if the priest comes and sees that the mark has spread in the house¹³⁴—it is unclean. And one shall tear down the house,¹³⁵ and all the dust shall be carried outside of the city.¹³⁶ But if the priest comes and sees that the mark has not spread in the house, the priest shall declare the house clean, for the mark is healed.¹³⁷

Here the first part of the section ends, and there follow (vers. 49-53) the ritualistic provisions which are manifestly a transference of Lev. 14. 4-8 a—the first procedure in the

¹³¹ Addition, 'to an unclean place', which suggests the unsanitary dust and rubbish heaps characteristic of Palestinian towns even at the present time. A 'Gemara' adds (ver. 41) 'And the house shall be scraped all around, and the scraped dust deposited outside of the city at an unclean place'.

¹³² Addition, 'And he shall take other dust, and plaster the house', in answer to the question, What is to be done to the house?

¹³³ Addition to conform to the earlier additions, 'And after the house has been scraped, and after the plastering'.

¹³⁴ Addition as in the former section, 'It is "persistent" *ṣāra'at* in the house'. Cf. note 115.

¹³⁵ Addition, 'Its stones and its wood', a detailed specification added in answer to the question, Does 'house' mean perhaps only the stone, or does it include the wood-work? The Greek version omits 'its wood', pointing clearly to the manipulation of the Hebrew text.

¹³⁶ Addition again 'to an unclean place'. Then follow two purely ritualistic ordinances, which clearly represent the endeavour to connect a ritualistic observance with the 'house' spot as with other kinds of marks. Therefore, we are told (vers. 46-7), 'And whoever enters the house during the days that it is closed shall be unclean till evening; and he who sleeps in the house shall wash his garments ['and be unclean till evening', so the Greek text]; and he who eats in the house shall wash his garments ['and be unclean till evening', so again the Greek text]. Verse 47 evidently represents the superstructure upon ver. 46 to bring about a conformity with Lev. 14. 8 and with passages like ver. 9 based thereon.

¹³⁷ נִרְפָּא הַנֶּזֶק, corresponding to Lev. 14. 3 in the original *ṣāra'at* Torah.

original *šāra'at* Torah—to the 'house' mark, and a most awkward transfer at that, as will presently appear. Before taking up this second part, let us note how in the first part the diagnosis follows slavishly in the path of the original *šāra'at* legislation in the following points: (1) the emphasis on the change of colour at the place where the mark is; (2) that the mark or marks must be beneath the surface; (3) the seven days' quarantine; (4) the decisions resting upon the spread of the mark. The new point, though corresponding in a measure to the tearing out of the mark on the garment (Lev. 13. 56), is the removal of the stones containing the suspicious marks (to which later commentators added still further directions). Here, evidently, we have a piece of legislation specially devised for the case in question, and not based upon an attempt to provide in the case of the mark on the house something analogous to an unclean mark on an individual. The same applies to the provision to tear down the house and to remove the dust to another place in case of a reappearance, or of a spread of the marks after the first attempt to heal the house had failed.

Taking up the second part of the section, the dependence upon Lev. 14. 4–8 a, as has already been suggested, is self-evident. The adaptation of the latter ritual in its elaborated and not in its original form to the house declared clean, leads to the substitution of the interesting phrase *לְהַטֵּה*,¹³⁸ literally, 'to remove the sin' (Lev. 14. 49 and 52), in the sense of purifying—what we would call 'fumigating'—for *לְמַטְהֵר* 'to declare or dismiss as clean' (14. 4, 7). The

¹³⁸ The Piel of the verb in this sense is found in Exod. 29. 36; Lev. 8. 15; 9. 15; Ezek. 43. 22–23, applied to the altar; also Ps. 51. 9 in the direct sense of cleansing; but quite differently Gen. 31. 39.

comparison between Lev. 14. 4-8 with 49-53, moreover, justifies the analysis given of the former, since some of the additions in Lev. 14. 4-8 are actually not found in 49-53. So we have in the latter merely 'the two birds' without the addition of 'living clean'. Similarly, verse 51 is nearer to the original form than 14. 4, especially in the Greek text, which reads:

'And he shall take [addition: "cedar wood and hyssop and scarlet thread"] the living bird and dip it [so the Greek text] in the blood of the killed one [addition: the running water]"—so the Greek text] and sprinkle¹³⁹ the house seven times.'

Verse 50 corresponds to verse 5, but on the other hand, verse 52 represents a redundancy over the original *ṣāra'at* Torah. It sums up:

'And he shall purge¹⁴⁰ the house through the blood of the bird, and through the running water, and through the living bird, and through the cedar wood, and the hyssop, and the scarlet thread.' This is evidently added to emphasize the elaborateness of the ritual. Verse 53 reading: 'And he shall send off the living bird outside of the city¹⁴¹ and atone for the house,'¹⁴² corresponds to the second part of verse 7. The substitution of 'city' for 'field' indicates the change in social conditions intervening between the period of the original *ṣāra'at* Torah and the late supplement modelled upon it. It is perhaps worth while to note that the second ritual (vers. 8 b-20) is not

¹³⁹ Greek text adds 'with them'.

¹⁴⁰ טָהַר, see note 138.

¹⁴¹ The dependence of this ritualistic ordinance upon Lev. 14. 4-8a is shown by the meaningless addition of 'over the face of the field', merely because this phrase is used in Lev. 14. 7.

¹⁴² Addition, 'and it is clean'.

carried over to the 'cleansing' ritual for the house. The older exorcising ceremony alone was adapted to the case of a 'mark' in a house, and that after the test had been made and the house declared clean. In view of this adaptation it is no longer possible to say whether in the case also of the house, the ritual originally represented the means of exorcising the disease, and was subsequently connected with a symbolical ceremony of formally declaring the house clean. The lateness of this transferred ritual suggests that in the mind of the one who so transferred it, the ritual was regarded merely as a 'dismissal' ceremony.

The subscript, verses 54-57, is particularly elaborate. As already pointed out, we may regard the second half of verse 57, 'This is the law of the *šāra'at*'—as the closing formula of the original *šāra'at* legislation. If this be so, it will be the simplest solution of the problem to divide the remaining verses into a series of originally independent subscripts that have been here repeated and united. In this way verse 54, 'This is the law for every *nega' šāra'at*, and for the *netek*', would be the subscript for Lev. 13. 1-17 and 29-37; [This is the law for the *šāra'at*] 'of the garment' (ver. 55 a) for Lev. 13. 47-58; '[This is the law for the *šāra'at*] of the house' (ver. 55 b) for Lev. 14. 33-53, while verse 56, 'for the swelling, growth, and shining spot' (taken from Lev. 13. 2), represents an amplification to verse 54—and is, therefore, a comment or note which has gotten a little out of place. Of special interest is verse 57 a, 'to teach [i.e. to set forth the law] for the day of (pronouncing) unclean and for the day of (pronouncing) clean', which again is obviously a 'Gemara' to explain that the Torah includes the diagnosis and the decision—whether unclean or clean. The subscript through the

repetition and the union of five subscripts: (1) all kinds of *nega' šāra'at* [i.e. the swelling, growth, and shining spot]; (2) *netek*; (3) garment; (4) house; and (5) that of the original legislation¹⁴³ thus aims to unite the two chapters that we have analysed into one Torah—viewed under the aspect of *šāra'at*, but we have seen that this term, representing everywhere outside of the *original šāra'at* legislation an addition, is used in the generic sense of any unclean spot or mark on a human body, or on a garment, or on a stuff, or on a house. We must, therefore, exclude the nine sections superimposed upon the original legislation from consideration in any attempt to determine what the *šāra'at* really and originally meant.

V

It is needless for our purpose to enter into a detailed discussion of the various views regarding *šāra'at* that have been brought forward from a medical point of view.¹⁴⁴ All of these investigations, valuable though they are as medical discussions, suffer from the defect that they assume the unity of Lev. 13 and 14,¹⁴⁵ and particularly of Lev. 13. 1-37,

¹⁴³ It will be observed that there is no subscript for the section on boils or burns (Lev. 13. 18-28), or for the one on baldness (Lev. 13. 40-4), which raises the question whether these sections may not have been inserted *after* the first union of Lev. 13 and 14.

¹⁴⁴ It is sufficient to refer to G. N. Münch, *Die Zazaath (Lepra) der hebräischen Bibel*, Hamburg, 1893 (with full bibliographical references); R. Bennett, *The Diseases of the Bible*, London, 1891, chap. I; Ebstein, *Die Medizin im Alten Testament*, pp. 75-95; Preuss, *Biblisch-Talmudische Medizin*, pp. 369-90; and Jay F. Schamberg, *The Nature of the Leprosy of the Bible* (see note 2). Some of these writers, especially Ebstein (l.c., p. 89), recognize that *šara'at* includes a variety of skin diseases.

¹⁴⁵ It was, of course, natural that ancient writers like Philo and the rabbinical authorities in the Talmud, under the ban of the tradition which ascribed the entire Pentateuchal legislation to one period and one man,

which portion naturally occupies the most prominent place in medical discussions of *ṣāra'at*. The above analysis has, however, shown that verses 18-37 deal with boils, burns, and sores, and their symptoms, and that they are pronounced clean or unclean according to tests that are suggested by, and dependent upon, those applied to *ṣāra'at* in the original *ṣāra'at* legislation, but that otherwise they have nothing to do with *ṣāra'at*. The application of the term *ṣāra'at* to these diseases represents a late addition made at a time when *ṣāra'at* had acquired an entirely general designation, so that it could be applied even to 'bald spots' (Lev. 13. 42). The fact that the diseases mentioned in Lev. 13. 17-37 have their specific designation as 'boils', 'burns', and particularly *netek*, and that even the symptoms described have technical designations ('scab of boil', 'scab of burn') strengthens the thesis that the application of *ṣāra'at* to them is of secondary origin; and this is further borne out by the substitution of *nega'* for *ṣāra'at*, to which attention has been directed. In Lev. 13. 1-17 the 'growth' (ספחת *sappahat*) has its specific name, namely, *mispahat* (מספח vers. 6-8), which if it spreads does not become *ṣāra'at*, but makes one unclean. In the case of *mispahat* it is particularly clear that the application of *ṣāra'at* has no medical significance or justification—the point involved being to determine whether it is a 'clean' or an 'unclean' variety of disease. The addition at the close of ver. 8, 'it is *ṣāra'at*', can only have the force of a convention—a non-medical identification, should have started from this point of view, which led Philo (*de Posteritate Caini*, I, § 13) to define *ṣāra'at* as a 'multiform and complicated disease', and the Rabbis in the Talmudical Treatise *Nega'im* to go to even greater lengths in the application of a term that must once have had a very specific meaning.

and at the very most can be taken to mean that the 'unclean' *mispaḥat* is to be put on the same plane as *ṣāra'at*. In a medical discussion, therefore, it is erroneous to start from an identification of the two, or to regard *mispaḥat* as a variety of *ṣāra'at*. This view of *sappaḥat* carries with it *baheret* (shining mark), which is treated merely as a symptom, and therefore introduced with *sappaḥat* (ver. 4), with boils (ver. 19), and with burns (vers. 24, 28), and with *bōhaḳ* (ver. 39). On the other hand, 'the white swelling' implied in ver. 2, and treated in ver. 10—a part of the original *ṣāra'at* legislation—belongs to the symptoms of *ṣāra'at*, and apparently is the means, or one of the means, of distinguishing between ordinary *ṣāra'at*, which may be healed, and chronic *ṣāra'at*, which is pronounced unclean even without the test of an isolation for purposes of observation (ver. 11).

In verses 38–9 the description of a specific disease *bōhaḳ* (tetter) is given as a caution against regarding numerous white spots on the skin as 'unclean'. The term *ṣāra'at* is not even introduced here—the verdict being 'clean'—while in verses 40–43, dealing with two forms of baldness, the occurrence of 'white swelling', alone suggests a comparison with the diagnosis of *ṣāra'at*. While, no doubt, this section is secondary to the original *ṣāra'at* legislation, the possibility that the symptom here described may belong to *ṣāra'at* in the original sense must be admitted. The peculiar usage, 'like the appearance of a *ṣāra'at* of the skin of the flesh' (Lev. 13. 43), shows, at all events, the intention of the author to add this symptom under the head of the genuine *ṣāra'at*. Even though not belonging to the original *ṣāra'at* legislation, verse 43 must be considered in a discussion of the original force of *ṣāra'at*.

We may, of course, dismiss without a further word the application of *ṣāra'at* to garments, stuffs, and houses—which if taken seriously would lead to medical conclusions of an absurd character. Even those who wish to save the *original* integrity of Lev. 13 and 14 will hardly go so far as to assume that the legislator had in mind the modern 'germ' theory, according to which a disease can be carried to a person through clothes or through the walls of a house. Such germs—difficult often for modern medical science to determine—are not so considerate as to manifest themselves in big patches. The non-scientific application of the name of a disease to which man is subject to an inanimate object shows conclusively that *ṣāra'at* is not used in its specific and original sense.

Excluding, therefore, *miṣpaḥat*, as well as 'boils', 'burns', *netek* (open sore), *bōhaḳ* (tetter), and, of course, mere baldness and marks on garments and stuffs and houses, what then is *ṣāra'at*?

Thrown back upon the original *ṣāra'at* legislation, the answer, from a symptomatic point of view, is quite simple. It is a skin disease, which appears in a milder and curable form, and in a severer chronic form—or what was considered at the time as chronic. In its milder form the symptoms are a spot (or a mark) with a tendency to spread,¹⁴⁶ appearing deeper than the skin, and changing the hair at the spot to white; the other as the chronic form is marked by the 'swelling' character of the spot, i. e. the inflammation produces a spot in 'high-relief' as against 'bas-relief'. Besides, there is also the symptom of the hair at the spot turning white, and the appearance of raw flesh in the

¹⁴⁶ Note, however, the 'Gemara' (ver. 12) that if it spreads over the whole body it is merely a 'rash', and, therefore, 'clean'.

swelling. From a modern medical point of view, these symptoms must appear somewhat naïve and decidedly insufficient. It is not surprising that students of medicine should disagree as to the precise disease indicated, and that the perfectly relevant question should have been raised whether *ṣāra'at* ever indicated any specific disease.

That *ṣāra'at* was never intended as a designation of leprosy or *elephantiasis Graecorum*¹⁴⁷ is now so generally admitted as to require no further discussion. Indeed, there is no proof that the disease was known in Palestine in early days any more than in Egypt or in other parts of the near Orient.¹⁴⁸ The consistent Greek rendering of *ṣāra'at* as *lepra*—followed by the Vulgate—is a most valuable tradition, carrying us back to at least the second century B.C., for the current view of *ṣāra'at*, just as a misunderstanding of *lepra* is responsible for the opinion still popularly current that the disease described as *ṣāra'at* is leprosy. The manner in which the confusion between *lepra* and 'leprosy' arose is fully set forth by Bennett and others.¹⁴⁹ In Greek medical usage *lepra* designates 'a cutaneous disease varying in its features, but the essential characteristic of which is a rough, scabrous or scaly eruption on the skin, with more or less evidence of surrounding redness or superficial inflammation.'¹⁵⁰ Three varieties of *lepra* are distinguished by Greek writers, and it is therefore reasonable to suppose

¹⁴⁷ See, especially, Münch's exhaustive discussion of the point, chaps. I and III-VI, and Bennett's *Diseases of the Bible*, pp. 40 ff.

¹⁴⁸ So, e. g., Münch's conclusion, p. 145. If it had been known, it would certainly have been enumerated among the diseases threatened as 'curses' in Deut. 28, where it is noticeable that *ṣāra'at* is not mentioned, whereas the 'boils' of Egypt (*ṣeḥin*) (ver. 27) are included.

¹⁴⁹ See Bennett, pp. 16-19; Münch, pp. 88 ff.

¹⁵⁰ Bennett, p. 19.

that several varieties also existed in Palestine. Curiously enough—if the above analysis is correct—there would be also three varieties in Lev. 13. 1–17: (1) the 'bas-relief' *šāra'at*; (2) the 'high-relief' *šāra'at*; and (3) the *mispaḥat*, which latter certainly stands in a close relation to the first and second. In any case *šāra'at* is definitely narrowed down to this portion of the chapter—'boils', 'burns', *netek*, *bōhak*, &c., being entirely excluded. Too much stress must not be laid upon this quite unexpected result that Lev. 13. 1–17 should contain three varieties of *šāra'at*, for the agreement with the three varieties recognized by Greek medical writers may be a pure coincidence, and would have a value only in case the diagnosis of the three varieties would be identical among Greeks and Hebrews.¹⁵¹ This does not appear to be the case. The essential characteristic of *lepra* seems to be, according to the testimony of Greek and Latin medical writers,¹⁵² scabrous or scaly eruptions on the

¹⁵¹ This suggestion that three varieties of *lepra* are described, corresponding to the three varieties of *vittiligo* as set up by Celsus, was made long ago (see Bennett, pp. 31–3) by Drs. Mason, Good, and Belcher, but their identifications are very arbitrary, and rest upon the erroneous supposition that all diseases enumerated in Lev. 13 come under *šāra'at*. Moreover, the fact that the same three designations (*alphos*, *melas*, and *leukē*) are described as varieties of *vittiligo* by Celsus (*de Medicina*, V, 27. 19), whereas writers apply the three terms to varieties of *lepra* (*psoriasis*), or to diseases allied to *lepra*, points to a further confusion in early medical nomenclature, which an additional warning against drawing definite conclusions from the vague and unscientific diagnosis in Lev. 13.

¹⁵² See the passages from Hippocrates gathered by Münch, *Die Zazaath (Lepra) der Bibel*, pp. 3–4. Since Hippocrates used the plural form, *leprai* (cf. 'certain leprai', V, 98, § 17, ed. Littré), it is evident that he recognized several varieties, but it is to be noted that he nowhere enumerates three varieties, *alphos*, *melas*, and *leukē*. In fact, *melas* is not mentioned by him at all, whereas *alphos* (also used in the plural as well as in the singular) occurs by the side of *lepra*, but distinct from it (*lepra*, *leichenēs*, and *alphoi*, V, 701, § 502; *lepra* and *alphos*, V, p. 179; IX, 105, § 20, &c.), and the same

skin as the name *lepra*, which means 'rough' or 'scaly', indicates. The three varieties, *alphos*, *melas*, *leukē* are distinguished from one another by the colour of the eruption, which in the case of *alphos* is white, in the case of *melas* black and shadowy, and in the case of *leukē* whiter than the *alphos* variety. Moreover, only in the case of the *leukē*, is there in Celsus a specific mention of white hairs in connexion with the eruption. The *leukē* penetrates more deeply into the skin than the *alphos* and *melas*, which agree—except in the matter of the colour—'in being roughish and not confluent, looking as though scattered in drops with wide interspaces between the drops'.¹⁵³ By general consent, the *lepra* of the Greeks is identified with *psoriasis*, or at all events, the different varieties of *lepra* are classed under the head of *psoriasis*. The important stress which is laid upon the hair turning white in Lev. 13, suggests that the only form of *lepra* which the original *ṣārā'at* legislators had in mind was the *leukē* variety, and the description given in verse 3 of the appearance of the mark 'deeper than the skin' might accord also with the express mention in the case of *leukē* that the eruption penetrates more deeply into the skin. It is noticeable also that the *leukē* variety is the only one of the three which has a serious import, and was on the whole not regarded as curable, whereas the *alphos* and *melas* are cured without great difficulty. The objection, however, against the identification of *ṣārā'at* in Lev. 13. 3 with *leukē* is that no

is the case with *leukē* (*leichenēs*, *leprai*, and *leukai* (plural), IX, p. 75, § 43). There is, in fact, no passage where even *lepra*, *leukē*, and *alphos* occur together, showing that each was regarded as a distinct disease by Hippocrates, and that in the case of each, as the use of the plural form shows, several varieties were recognized.

¹⁵³ Bennett, as above note 149.

reference is made to the rough or scaly symptom of the eruption. Such a reference may, however, be recognized in the second variety of *ṣāra'at* (ver. 10) where the eruption is in 'high relief'. The 'white swelling' would be a close approach to *leukē*, and the 'raw flesh', added as another symptom, might well be a further description of a 'rough' eruption. The description of *leukē* that it 'penetrates more deeply' would, therefore, not represent the equivalent to being 'deeper than the skin', and this is perhaps natural, since in the case of *lepra* the eruptions are rough and scaly in all three varieties. The omission, therefore, of 'deeper than the skin', in ver. 10, adds strength to the view, here set forth, that *se'ēt* (סע"ת) refers to a 'high relief' or a 'rough' eruption—'raising' the skin as it were. The absence of any reference to a 'rough eruption' in the case of the first variety of *ṣāra'at*, and the emphasis upon its being on the contrary, 'deeper than the skin', suggests an identification with the skin disease *vitiligo*, which—common in tropical countries—is 'characterized by bright white spots, the hairs of which lose their colour and become white'.¹⁵⁴ In the description of this first variety of *ṣāra'at* the stress is laid upon the hair at the spot turning 'white', and the expression 'deeper than the skin' would be a natural way of describing a spot that seems to be *in* the skin, in contrast to an eruption that appears *over* the skin. The addition represented by verse 4, where the phrase 'shining white' spot is introduced, suggests, by implication, that in verse 3, the *nega'* is white and shining, since the point in verse 4 is that the spot is not clearly defined as *in* the skin, i.e. too faint as yet to be recognized as such,

¹⁵⁴ Schamberg, *L. c.*, p. 4, of reprint from *Phil. Polyclinic*, vol. VII, Nov. 19-26, = *Biblical World*, 1899, p. 163.

and that the hair has not turned white. The conclusion thus reached, and which is here submitted to students of medicine, is that the Biblical *ṣāra'at* in the original form of the *ṣāra'at* Torah consists of two varieties, and that these two varieties represent a confusion of two distinct skin diseases: the first variety, regarded as less serious, while rendering the victim for the time being 'unclean', is *vitiligo*; the second variety, characterized as *chronic ṣāra'at* (Lev. 13. 11), is the *leukē* or the most serious variety of *lepra* or *psoriasis*. Verses 6-8, forming a later addition, would represent a further attempt to differentiate the *leukē* from other varieties, and the emphasis laid upon its 'being faint', in verse 6, naturally suggests a description of *alphos*, in which case the white colour of the eruption is not as pronounced.¹⁵⁵ Lastly, verses 12-13 representing again another addition for purposes of further differentiation, and describing marks which spread over the whole body, 'turning it all white', as the gloss in verse 13 explains, would represent a form of *vitiligo* in which the disease spreads until large areas of the body are involved, and even the entire body. Cases are on record of negroes affected by this disease turning entirely white.¹⁵⁶ The affection is an entirely harmless one, and in accord with this we find the verdict in Lev. 13. 14, 'he is clean'.

To sum up, then, we have two forms of genuine *ṣāra'at* in the original *ṣāra'at* legislation; one, the milder form, being a form of *vitiligo*, the other, the chronic form, being *leukē*. In the later additions to the original *ṣāra'at* section,

¹⁵⁵ Vers. 6-8 representing an addition to the original *ṣāra'at* legislation; naturally no special reference is made to the spot being a 'rising' eruption or a mark that appears on the skin.

¹⁵⁶ Schamberg, *l. c.*

we have (a) a form of *alphos* apparently described, which if it spreads is pronounced as 'unclean', and (b) a form of *vittiligo*, in which the whole flesh turns white, and which is pronounced 'clean'. In the balance of the chapter, Lev. 13, as well as in the additions to Lev. 14, represented by verses 33-47, the use of *ṣāra'at* is erroneous, or rather represents the later use of the term as a generic one—synonymous with *nega'*, 'mark'—to designate any kind of a spot, whether on any part of the human body, or on a garment, on a stuff, or on the walls of a house, which is regarded as 'unclean'. So far as 'marks' on a human being are concerned, Lev. 13. 18-43 includes boils and burns, open sores on the head or beard, baldness in various stages, and 'faint white spots' that form merely a tetter (*bōhaḳ*). Boils and burns that leave 'eruptions' (*se'ēt*), white or shining, or reddish, showing *symptoms* of the second variety of *ṣāra'at*, i. e. *leukē*, are unclean, whereas the mere scabs from boils or burns are clean. The sore (*netek*) which shows the symptoms of the first variety of *ṣāra'at* (*lepra alphos*)—marks appearing to be in the skin and the hair turning yellowish—is unclean. Baldness and a mere tetter (*bōhaḳ*) finally are clean, but the appearance of an 'eruption' (*se'ēt*) on the bald spot raises the suspicion, according to what is probably a very late addition to the texts (ver. 42), of its being *ṣāra'at*, presumably of the second variety.

The oldest ritual, Lev. 14. 1-8 a, which in its original form, as has been shown, was a method of exorcising *ṣāra'at*, when it became a purification ritual performed at the time of healing, could have been applied only to the curable variety of *ṣāra'at*—i. e. to *vittiligo*, and, if we include the later addition to the legislation, also to *alphos*.

It was then naturally extended to all the other skin troubles mentioned in Lev. 13, which made the victim unclean until he was healed. On the other hand, the law of being excluded from human society, warning the people of one's approach by calling 'unclean', keeping one's mouth covered, allowing one's hair to grow long, not changing one's clothes—while applicable to all during the period of their being 'unclean', must have been devised originally for those who suffered from the 'chronic' and incurable variety of *lepra*, i. e. *leukē*. For those suffering from *vittiligo*, isolation outside of the camp until the demon had been exorcised, i. e. until the healing had taken place, was presumably all that was required.

We are now in a better position to consider the other passages in the Old Testament where *šāra'at* is mentioned. In accord with the original *šāra'at* legislation, the one so afflicted (Num. 5. 2, *šarūa'*) is to be removed from the camp, but the fact that he is mentioned together with one having a 'running' sore (נֶפֶשׁ—also discussed in Lev. 15) indicates, not only that Num. 5 assumes the existence of Lev. 13-15, but also that the one who suffers from *šāra'at* is not necessarily a chronic or even a very serious sufferer. Deut. 24. 8 also assumes more or less detailed regulations regarding the *šāra'at*, and since verses 8 and 9 interrupt the order of subjects in this chapter, it may be safely assumed that we here have later insertions. Verse 9 is a reference to the punishment of Miriam with *šāra'at*, which is described Num. 12. 10-13.¹⁵⁷ If the phrase (ver. 10 b) 'and Miriam was stricken with *šāra'at* like snow' belongs

¹⁵⁷ Num. 12. 14-16 is a reference to Lev. 13. 4, though another disease, which seems to be 'jaundice', is indicated in ver. 14 a that is not mentioned in any of the codes.

to the original text, then we could say with reasonable certainty that the *ṣāra'at* in this case was of the first and milder variety—a form of *vitiligo*; but the words 'stricken with *ṣāra'at* like snow' (מְצֹרַעַת בְּשָׁלֵג) seem to be quoted from Exod. 4. 6, and are therefore in all probability a gloss to the latter part of Num. 12. 10, 'And Aaron turned to Miriam and behold she was stricken with *ṣāra'at*'. To this a commentator added as an explanation the case of Exod. 4. 6, where the hand of Moses is described as becoming 'white as snow' (מְצֹרַעַת בְּשָׁלֵג), and then is instantly restored to its normal condition—as one of the signs to be used by him in case he should meet with unbelief in his mission upon reaching Egypt. The reference to 'snow' in the case of Gehazi, the attendant of Elisha (2 Kings 5. 27) would seem to show that *vitiligo* was intended in this case which would, therefore, apply also to Naaman (2 Kings 5. 2), since it is the latter's disease which is transferred as a punishment for greed to Gehazi and his offspring (ver. 27). We may perhaps assume this also to be the case in 2 Kings 7. 3, though the text is vague in its tone. On the other hand, King Azariah (or Uzziah, as he is called in 2 Chron. 26) appears to have been smitten with the second and chronic variety of *ṣāra'at*, i. e. *leukē*, for he remains afflicted till his death, and is obliged to dwell in a separate house (2 Kings 15. 5; 2 Chron. 26. 21).¹⁵⁸

There is, of course, not the slightest reason for assuming that Job's sickness, or the one with which Hezekiah is smitten, represented any form of *ṣāra'at*, and much less leprosy. In both cases the disease is specified as 'boils'

¹⁵⁸ No special importance needs to be attached to the statement in 2 Chron. 26. 19, 20 that the *ṣāra'at* 'broke out on his forehead'.

(Isa. 38. 21 and Job 2. 7), just as in the case in one of the plagues of Egypt (Exod. 9. 10), where moreover the technical term *aba'bu'ot* (an Egyptian word?) is added. Indeed, it is noticeable in the large list of diseases which are threatened as a curse (Deut. 28) in case of a disobedience to the laws, that *ṣāra'at* is not mentioned, whereas 'boils'—specified as 'Egyptian boils'—are included (ver. 27) with others that are expressly declared to be 'incurable'¹⁵⁹—a valuable indication that *ṣāra'at* after all was not counted among the most serious diseases, and that the special legislation is rather a reflex of the common occurrence of the disease in its two (or possibly more) varieties, which made it necessary to make provisions for those so stricken, and who were regarded as unclean merely because every *real* disease—due to demoniac possession—made the victim unclean. An affliction that was 'clean' was not *really* a disease, according to medical science in this primitive stage of empirical knowledge.

A question that should at least be touched upon at the close of this analysis is the one raised by Eerdmans's recent investigation of the entire book of Leviticus¹⁶⁰ as to the age of the legislation in Lev. 13-14. With Eerdmans's general thesis that Leviticus, as in fact the whole of the

¹⁵⁹ The case of Job and Hezekiah are, therefore, exceptional, and are portrayed as miraculous through Divine intervention.

¹⁶⁰ *Alttestamentliche Studien*, IV, 'Das Buch Leviticus' (Giessen, 1912). See especially pp. 68-73. The grounds on which Wiener, *Origin of the Pentateuch*, p. 76, assumes an early origin for Lev. 13 and 14 do not seem to me to be of any value. In many points, especially when he pleads for the early character of many of the laws, Wiener is right, but he is not as 'original' as he thinks he is in his opposition to the critical school, and his method of argumentation, even where his conclusions are correct, is most defective, and sometimes unfair. I shall take up Wiener's contentions at some future time.

legislation in the Priestly Code, contains pre-exilic elements, I am in full accord. The analysis of Lev. 13-14, as set forth in this article, lends further support to Eerdmans's thesis, which as a matter of fact, has been held even by those who claimed post-exilic dates for the final form of the Priestly Code. It is evident that a purification ritual such as Lev. 14. 1-8a, which contains distinct traces of having once been a method of exorcising a disease, must revert to a very ancient period; and even as a purification ritual it belongs to a time anterior to the period when a sacrifice of some kind was regarded as essential to a removal of 'uncleanness'. Indeed, the whole conception of disease as a state of 'uncleanness' belongs to the time when disease was supposed to be due to some 'unclean' demon that had found its way into one's body; and the 'uncleanness' at this stage of thought has nothing to do with hygienic impurity, as little as the demon theory of disease has anything to do with the modern germ theory of disease, albeit the former seems to suggest the latter. The references to the 'camp' and 'tent' in Lev. 14 also point to early social stages, and there is no reason to assume that these terms are introduced into a late legislation with a view of giving the impression that they are old, or in other words, as a deliberate invention to uphold a tradition of the Mosaic origin of the Pentateuchal legislation. If such had been the deliberate intent of the compilers they would not have committed the inconsistency of introducing the word 'city' in the same chapter (Lev. 14. 40, 41, 45). The naïve and non-scientific manner of describing the two varieties of *ṣāra'at* and the almost total absence of technical terms in the original *ṣāra'at* legislation, with merely feeble attempts to differentiate two totally different

diseases, are further indications that point to an early, certainly to a pre-exilic origin, for the beginnings of the *ṣāra'at* legislation. Even the additions in Lev. 13. 1-43 may in large part belong to the pre-exilic period. This appears to be certainly the case with the additions to the first part of the chapter, Lev. 13. 1-18, with the possible exception of some glosses and of the general use of *ṣāra'at* for any unclean 'spot' on the skin, which I believe to be of comparatively late origin, while the supplementary sections, Lev. 13. 47-58, concerning spots on garments, &c., and certainly the still later section on spots on walls of houses, Lev. 14. 33-48, may, with great probability, be put down as post-exilic. This applies also to the ritualistic sections prescribing the sacrifice of animals as an integral part of the purification ceremonial, Lev. 14. 10-20, as well as to Lev. 14. 21-31, which is of the same character though possibly embodying, as above suggested,¹⁶¹ traces of an earlier and simpler sacrificial ritual. Naturally, the purification ritual attached to Lev. 14. 33-48 ('spots' on walls of houses), though taken over from the old and certainly pre-exilic ritual, Lev. 14. 1-8 a, forming part of the original *ṣāra'at* legislation, represents an addition that cannot be earlier than the section, Lev. 14. 33-48, itself.

As for the chronological sequence of the numerous sections superimposed upon the original *ṣāra'at* legislation, it seems safe to regard Lev. 14. 33-47, and the attached ritual, verses 48-53, as the latest additions made after the insertion of the sections in Lev. 13, i.e. verses 18-44, between the diagnosis of the two forms of *ṣāra'at* and the purification ritual, Lev. 14. 1-8 a; otherwise, the section of *ṣāra'at* marks on walls of houses would have found a place

¹⁶¹ See above, p. 379 f..

before or after the section, Lev. 13. 47-58, treating of marks on garments, &c. The absence of any ritual for the purification of marks on garments and stuffs would indicate an earlier date than the elaborate ritual, Lev. 14. 10-20, added to the second ritual, Lev. 14. 8 b-9, and superimposed upon the first ritual, Lev. 14. 1-8 a. This, of course, carries with it the later date for the 'substitute' sacrifice, Lev. 14. 21-31, though, as indicated, this may embody a simpler and, therefore, earlier 'sacrificial' ritual than the more complicated one. The order, therefore, would be: (1) Lev. 13. 47-58; (2) Lev. 14. 21-31; (3) Lev. 14. 10-20; (4) Lev. 14. 33-53. As for the remaining sections, the insertions in Lev. 13. 1-17 represent the earliest attempts at elaborating the original *šāra'at* legislation, while the five sections in Lev. 13. 18-44 may very well have been added in chronological sequence in the order in which the sections are now arranged. It is not, of course, possible to go further and specify any definite period at which the one or the other of these nine sections was added, beyond the general impression one receives from the larger use of technical terms (such as *neteḳ*, *bōlak*, &c.) and the more detailed diagnosis in the case of 'boils' and 'burns', that the sections belong to a considerably advanced period of medical observation and are, therefore, presumably post-exilic. This would carry with it the four sections: (1) Lev. 13. 47-58; (2) Lev. 14. 21-31; (3) Lev. 14. 10-20; (4) Lev. 14. 33-53—all certainly later than the five sections—and the post-exilic character of which is suggested by internal evidence. I venture, therefore, to claim as pre-exilic not only the original *šāra'at* legislation and the original purification rituals, Lev. 14. 1-8 c and 8 b-9, but also the elaborated section, Lev. 13. 1-17, in which the additions are dovetailed into the original *šāra'at* portions.

Eerdmans,¹⁶² to be sure, would go much further and place the entire two chapters in the pre-exilic period, but his argumentation is not convincing because he underestimates the complicated character of the composition of Lev. 13-14. The fact, e.g., that the style and language of the section on marks in garments, &c. (Lev. 13. 47-59), agree with Lev. 13. 1-46 is due to direct imitation precludes its use as an argument for the unity of Lev. 13; and in the same way, Lev. 14. 33-53 ('marks' on walls of houses) imitates Lev. 13, and intentionally introduces so far as possible the same terms. Even if my analysis of Lev. 13-14 should not prove to be correct in all details, I feel safe in saying that the existence of an original *šāra'at* legislation consisting of Lev. 13. 2-3; 9-11 (with some additions), 45-6, and followed immediately by a 'purification' or 'dismissal' ritual, Lev. 14. 1-8 a, has been definitely demonstrated. No less significant is the fact that has been proved¹⁶³ of the distinction between a ritual performed outside of a sanctuary and one that is to be performed at an altar. This points not only to a very early age for the original *šāra'at* legislation, but also to a considerable interval of time between the age of the two rituals. Moreover, the 'sacrificial' ritual is based on a totally different point of view. The fact that provision is made for carrying out the later sacrificial ritual in Jerusalem only, without regard to occurrences of *šāra'at* in other parts of the country, is due, of course, to the theoretical basis of the Priestly Code that there is only one legislative centre at which sacrifice can be brought. Instead of concluding, as Eerdmans does, that the legislation originated in pre-exilic days in sole connexion with the sanctuary at Jerusalem, because a post-

¹⁶² *l. c.*, pp. 38-73.

¹⁶³ See above, p. 375.

exilic legislation would necessarily have regard to Jewish settlements outside of the capital, the more obvious deduction would be that the Priestly Code is to a large extent an 'ideal' compilation made with the express purpose of adapting the older and younger practices to a theoretical centre. That animal sacrifices were brought in pre-exilic days, and at a very early period must, of course, be admitted, and the emphasis on the 'tent of meeting' in the ritual of Lev. 14. 10-31 may be taken as an indication that the basis of the ritual is pre-exilic, but the frequent substitution of 'before Jahweh' in the section would have no meaning unless one assumed that it represents the endeavour again to apply older practices—considerably elaborated and transferred to Jahweh's one and only legitimate sanctuary at Jerusalem; so that we are once more brought face to face with the distinctly post-exilic ideal that underlies the legislation of the Priestly Code in its present form. It is characteristic of the gradual growth of legislation to retain in a conservative spirit the language and the form of earlier legislation, even when inconsistent with later conditions. Just as laws are never *actually* abrogated in ancient codes, but carried along with modifications that at times totally change the character of ancient statutes even to the point of virtually abrogating them,¹⁶⁴ so formulas are carried over and given a new interpretation through glosses or explanatory comments. The substitution of 'before Jahweh'

¹⁶⁴ A good case in point is the legislation regarding slaves, in the so-called Book of the Covenant, Exod. 21. 1-6, which theoretically recognizes slavery, but changes it practically to an indenture of six years. The old law remains, but it is so modified as to receive an entirely different character. In the same way it is theoretically assumed (vers. 8-11) that the old law allowing a man to sell his daughter as a 'handmaid' remains in force, but it is practically abrogated by conditions that change its nature.

for 'tent of meeting', together with the frequent addition of the one phrase to the other is, therefore, an illustration of the way in which the old is carried over and combined with the new. It is impossible at this point to enter into further detached criticism of Eerdmans's position, but enough has been brought forward, I think, to make it clear that, while he has shown more satisfactorily than his predecessors how much in the Pentateuchal legislation is old, his main contention that the critical theory associated chiefly with the names of Graf, Kuenen, and Wellhausen,¹⁶⁵ must be set aside because based on erroneous assumptions, is not acceptable, partly because he has not carried the analysis of the Pentateuchal laws far enough, and, therefore, under-estimates their complicated character, and partly because he draws untenable conclusions from the material itself even as he has set it forth. The critical theory is of course subject to modification through further researches, but its basis rests on too firm foundations to be seriously menaced by the recent attacks made upon it.

¹⁶⁵ See Eerdmans's Introduction to *Alttestamentliche Forschungen*, I.

TWO GAONIC FRAGMENTS

By J. N. EPSTEIN, Bern.

AMONG the one-leaf fragments of the Royal Library in Vienna I found two Gaonic fragments containing halakic matter which, owing to their importance, I copied and now submit for publication. These are:

A. A parchment leaf in quarto; large square script in Oriental style. A very careful copy, the orthography being partly *plene* (מאחי, אים) and partly *defective* (הינו, דלמא), as is usual in Gaonic writings.¹ Interesting is here the writing אפלו instead of אפילו. The whole fragment constitutes one of the Sheeltot of R. Aḥai, of which, however, nothing is preserved in our versions, both printed and manuscript (I allude to the ed. Wilna, partly corrected from manuscripts, and the MS. of A. Epstein, both of which have been examined by me). But that it is a Sheelta is proved by the words . . . ברם צריכין אנו למילף אילו מאן דבעי. . . (*recto*, l. 21 ff.), and on the whole by the style. The passage (*recto*, l. 10 ff.), והלכ' אי שויא פרוטה הבא חישין ולא חישין דלמא שויא שוה פרוטה בעלמא וכן הלכה, is found verbatim in *Halakot Gedolot* (ed. Venice, fol. 83 c), which is reputed to have made great use of the Sheeltot.

A. [שאלות]

Recto.

² לידה אמרה ליה אמרה לי אים³ קיבל בך קידושי כי הוה זוטרת
 א' לה לאו כל כמינה דאסרה לך עלואי אמרי ליה לרב חסדא
 והא איכא סהרי בעורית⁴ דידעי דההוא יומא הוה בה שוה⁵ ע'
 פרוטה השתא מיהא ליתנהו הינו⁶ דר' חנינה דא' ר' חנינה עדיה
 5 בצד אסתן ותאסר אביי ורבא לא סבירא להו הא דרב חסדא
 אם הקלו בשבויה נקל באשת איש מאי טע' כי א' ר' חנינא ... ע
 בשבויה דמנולא נפשה באשת איש מי א' אשתיר מההוא' ע
 משפחה בסורא והווי פרשי רבנן מינה ולא משום דסבירא להו
 דשמואל דא' קידשה בתמרה חישין⁷ שמא שוה פרוטה במדי
 10 אלא משום קושיא דאביי ורבא והלב⁸ אישויא⁹ פרוטה הכא
 חישין ולא חישין דלמא שויא שוה פרוטה בעלמא וכן הלכה'
 ואיתתא מקניא בכספא לחוריה ומקניא בשטרא לחוריה
 מיקניא בכספא לחוריה כת' הכא כי יקח איש אישה וכת' התם
 נחתי כסף הישרה קח ממני מה קיחה דהתם כסף אף קיחה
 15 [ד]הכא כסף ומקניא בשטר לחוריה דכ' ויצאה והיתה לאיש אחר
 איתקש הויא¹⁰ לציאה מה יציאה בשטר אף הויא¹⁰ נמי בשטר
 למאי נפקה מינה דאי כתב לה הרי את מקודשת לי וקבילת
 מיניה הווי קידושי ואמור רבנן¹¹ האי מאן דמסיק ביה זווי ולית
 ליה למפרע אינמי¹² איכא זווי דמלבא¹³ גביה ולית ליה למיתן וקא
 20 קמטין¹⁴ ליה וקא מזבין ארעיה בעל כורחיה זביניה זביני דא' רב
 הונא¹⁵ תלוה וזבין זביניה זביני' ברם צריכין אנו למילף אילו
 מאן דבעי לקדושי איתתא ולא קא מיקדשא ליה וקא מאחי לה
 דמקדיש לה בעל כורחה היכא דיהב לה קידושי ולא קבילתניה
 ליכא מששא בקידושה יהב לה וקבילתנהי מאי מי אמרינן

Verso.

כיון דאיתקש לשדה הוו קידושי או דילמא לא תא שמע דא'
 רבא¹⁶ תלוה וזבין זביניה זביני והני מילי¹⁷ דאתא ואשבחיה דקמ'
 ויהב זוזי וזבן אבל א' להו מעיקרא דבזוזי דאיכא גבי פלניא לזבין
 לי מארעיה ואתן זוזי עליה לא הוו זביני מאי טע' עינא הוא דיהב
 בארעיה והלכתא אפלו¹⁸ אמצי זוזי מעיקרא ואפלו¹⁹ שרא²⁰ זוזי²¹ ע'
 5 נמי הוו זביני דהא אשה בשדה²¹ דמיו וא' אמימר תלוהא ואיקדש[ה]
 הוו קידושי רב אשי א' לא הוו קידושי הוא עשה שלא כהוגן ע'
 והן עושין בו שלא כהוגן א' ליה רבינא לרב אשי תינה היבא יי ע'
 דאיקדשה בבספא היבא דאיקדשה בביאה מאי יטויה רבנן ע'
 10 לבעילת זנותי²² ההוא דקדיש בשוטיא דאסא בשוקא שלחה
 רב אחא בר הונא קמיה דרב יוסף שלח ליה נגדיה מדרב יי ע'
 ואצרכיה גט מדרשמואל דרב מנניד מאן דמקדש בביאה ומאן
 דמקדיש בשוקא ומאן דמקדש בלא שידוכי ומאן דמבטיל
 גיטא ומאן דמסר מודעא אניטא ומאן דמצער שליחא דרבנן
 15 ומאן דמשהי שמתא דרבנן עליה תלתין יומי וחתנא דדייר
 בבי חמוה נהרדעי אמרי בכולהי לא מנניד רב לבר מאן דמקד[ש]
 בביאה ואפלו²³ דשדיך²⁴ מיטוס פריצותא והא ההוא²⁵ דחליף אבבא
 דבי חמוה ונגדיה רב ששת ההוא הוה חשיר²⁶ מחמתיה²⁷ ההוא²⁸
 דקדיש בעיפתא דאסא אמרה²⁸ ליה לית ביה שוה פרוטה א' לה²⁸
 20 דתקדש לי בארבעה זוזי דאית ביה אישתיק א' רבא הוי שתיקה
 לאחר מתן מעות ובל שתיקה לאחר מתן מעות לא הוו קידושי
 א' רבא מנא אמינא לה דשתיקה לאחר מתן מעות לא הוו קידושי[י]
 דתניא כינסי סלע זו בפקדון וחזר ואמר לה התקדשי לי בִּזְעָת[ת]
 מתן מעות בין רצת ובין לא רצת מקודשת לאחר מתן מעות יי ע'

B. A double leaf in small German square script on parchment, from about the fifteenth century. The size of the leaf was originally folio, but now it is cut off below and to the left—it served as a cover—whereby the leaf now forming the first is considerably damaged, having lost about one-third of its width. The copy is very defective, and, moreover, some passages are effaced and barely legible. After a close scrutiny, I found the text to be a fragment of the Aramaic original of the הלכות פסוקות.²⁰ The first³⁰ leaf agrees on the whole—for details see the notes—with the הלכות פסוקות, ed. Schlossberg, p. 34, l. 19 ff. From leaf 1, *recto*, l. 35, [לכוהנת] ואפי' until *verso*, l. 33, מכל מקום, it further agrees verbatim with the parts of a fragment from the Taylor-Schechter collection, which was published by Ginzberg in his *Geonica*, II, 394-7, and which he misunderstood. The two fragments now supplement each other. The second leaf contains promiscuous halakot, and only begins with l. 28 (והיל' הבא . . .) to run parallel to the ed. Schlossberg.

B. [הלכות פסוקות] ⁵¹Fol. 1.³² *Recto*.

³³נתן יתן. ומי שלא פדאו אביו והגדיל חייב לפדות את עצמו ומי שהוא שכתב לכהן שהחייב לו חמש סלעים [חייב ליתן] לו אבל אין בנו פדוי עד שיאמר לו הילך זה בפדיון בני ומה ³⁴שנתן פדיון בנו לארבעה חמשה כהנים בנו פ[דוי] ואפי' נתן לכהן אחד בארבעה חמשה עצמים בני פדוי. ובכור ובחמה ³⁵שנאה פודיהו בשה שני' ופטר חמור תפ[ד]ה בשה ובוכרה

דלית לה מומא אסיר למיגרם לה דתניא כל מום לא יהיה בו אין לי אלא שלא יהיה בו מום מנין ש[ל]לא יגרסם [ליתן] לו על ידי אחרים שלא יביא דבילה ובכך ויניח על ידי הגדי כדי שיבוא הכלב ויטול תל' ל' כל מום ³⁶וא[מ]רָ 55 מום

ובכור דנפיל ביה מומא ביום טוב אסור למישחטיה עד לאחר ואין רואין מומין ביום טוב. כל הבכור [הוא] אדם רואה [הוא] חוץ מבכור עצמו ובנו ובתו נאמנין להעיד על הבכור אבל אשתו לא וישר' דוכן בכור מכהן מהימן א[מ]רָמיה א' ר' נחמ' א' רבה בר אבהו ישר' שנפלו לו פיטרי חמורות מבית אבי אמו כהן פודן ופדיונו שלי' כהנים ולוים [פסורין]

מפדיון הבן ומפדיון פטר חמור. ומחייבי בככור בהמה טמאה ³⁷דחנן כהנים ולוים לא ניפטרו מבכור בה[ה] שפיר דמי דהא ¹⁰אלא מפדיון הבן ופטר חמור מאי טע' פטר ³⁸חמור תלה רחמ' ולא שנא אי פדיון ליה בשה או בעזאו ברה[ה] ³⁹שפיר דמי דהא

חנן אין פדיון לא בענל לא בחיה ולא בטריפה ולא בשחטה ולא בכלאים ולא בבוי ולא בכלים ופרה ש[ל]ילדה כמין [עז אין פודין בה פטר חמור. בת' ⁴⁰ישר' בתולה דאיעברה מנוי או מעבר וילדה זכר לכשיגדיל אותו הבן [חייב לפדות]

את עצמו דקאמרין א' רב פפא בריק לן כהנת שניתעברה מנוי מזה ברה מוחייב במצות ה[ה]ב למיפר[ק] נפשיה או לא אמרין ליה לא היינו דרב ארא בר אבה דא' לויה שנתעברה מנוי בנה פטור מחמש סלעים אמ' ליה [כי השתא . . .]

¹⁵קודש'א כיון דאיעברא מנוי נחיתא לה מקדושתא אלמא כל הויא דנחתא לה מקדושתא הויא לה כב[ב]ת ישראל ומחייב

ברה למפרק נפשיה ומדקא מיבעיא ליה כוהנת שנתעברה מניי מכלל דפשיטא דבת ישר' שניתעבר[ה] מניי או[ו]
מעבר בנה חיוב בחמישה סלעים⁴⁰ . פירין⁴¹ פטר חמור שמת מותר בהנאה אבל פטר חמור עצמו שמת [אסור דתניא^{41א}
פטר חמור?]

אסור בהנאה ואפעל⁴² שפטר חמור אסור בניוה ובעבודה פיריו מותר דאסיר בניוה ובעבו[רה] דתניא^{42א} ר' שמע' או' לא]

תעבור בבכור שורך בבכור שורך אי אתה עובר אבל אתה עובר בבכור אדם לא חנו בכור צאנך אב[ל] אתה גוזל²⁰

פטר חמור וכי פטר חמור בר גזיה הוא אלא זה פיריו פטר חמור⁴³ הלוקח⁴³ בהמה מחבריו ואינו יודע [אם בכירה]
וילדה רב אמ' בכור ודאי ושמו' אמ' בכור ספק ור' יוח' אמ' חולין וודי' והלכה כר' יוח' חלבי⁴⁴ של בכור מוכ[ר]ין אותה]
לגוים מאי טע' פסולי המוקדשין כעבי וכולל כה' בהו' זמן התור' מותרין לגוים מי הוא⁴⁵ רבנן עשו מעילה⁴⁶ [במוקדשין⁴⁷
בשרו דראוי לאכילה תניא כדי סבירה ל⁴⁸ חלבו דאינו ראוי לאכילה העמידוהו על התורה והילכ' כותיה ד]רב דמספא]
ליה בלוי אי אקרו ליום עם אי לא אקרו עם הילכך דמי לכהן דמי לשר' דמי לכהן דלא שקלינן מיני[ה] מתנות]

ודמי לשר' דלא יהבינן ליה מתנות והני מילי היכא דקא שחיט לביתיה אבל קבע ליה דוכתא לזבוי ל[א] מיבעיא]
לוי דשקלינן מיניה מתנות אלא אפילו כהן נמי שקלינן מיניה מתנות כי הא דאשפוזבניה⁴⁹ דרבי טבל⁵¹ 5] הוה]

דחיקה ליה מילתא אתא לקמיה דר' טבלא א' ליה זיל אישתתף בהדי טבח ייט' מינו דאית לך רוחא [פטר]
ממתנות דשתפי לך זול אישתתף בדירה חיבי⁵² רב נחמן לשלמי א' ליה והא רב טבלא א' . י . פטורה⁵³ [א' ליה]

זיל אפוק ואי לא מפיקא לך רב טבלא מאונך זול ר' טבלא לביה א' ליה מאי הא[י] א' ליה דכי אתה ר' אחא [בר] הניחא]
א' ר' יהושע בן לוי וקני דרום אמרו כהן טבח עד שתים ושלש שבתות פטור [מכאן] ואילך חיוב ולביד⁵⁵ [ליה]

בדרך אחת בר' חנינא אמ' ליה הני מילי היכא דלא קביעא ליה מסחחא דמיעקרא אבל האי קביע ליה מס[חחא]
 דמיעקרא ואם⁵⁶ יהיב דמי מתנות שפיר דמי והיכא דקא שחיט במתא דלית בה כהן שקל דמי מתנות וק[ב]י דמי ליה
 להיכא דאיכא כהן דתניא מקום⁵⁷ למלוה בעלים לא יפשוט את⁵⁸ ולא⁵⁹ להפשיט את הראש לא יפשיט את [הלוי]
 ואם אין שם כהן מעלה אותן בדמים מפני הפסד כהן ומאי טע' נתינה כתיבה בהו דכת' ונתן לכהן ואם א[יכא איתחא]⁶⁰
 כהנא אכלה מתנות דבי אחא עולא אמ' יהבינן מתנאנא לכהנא לכהן⁶¹ אלמא קסבר ונת[ן] ל[כהן] דאפי'⁶² [לכהונה]
 והיכא⁶³ דקא נקיט מתנות או דמי מתנות ואיתוד⁶⁴ מניה לא [פחדי] לשלומי ל[כהן] דאמ' רב חסדא המזיק [מתנות כהונה]
 או שאכלן פטור מלשל[ם] היכא דאיכא⁶⁵ ולית היל'⁶⁶ בר' שמע' בן יוחי דאמ' גזירת פחותה מכת שלש [שנים ויום]
 אחד כשיר' לכהונה הוא כהונה⁶⁷ דהוה נסוב גזירת פחותה מכת שלש שנים ויום אחד א' ליה [רב נח] מ' מאי [טעמא]
 עבדת הכי אמ' ליה דא' ר' יעקב בר אידי א' ר' יהושע בן לוי הלכה כר' שמע' בן יוחי א' ליה זיל [אפי'] אי ל[א] מפיקנא
 לך ר' יעקב בר אידי מאוניך והיל'⁶⁸ בר' אלעזר בן יעקב [דאמ'] גר שנישא גזירת בתו פסולה לכהונה והילכתא כר' יוסי⁴⁰
 דאמר גר שנישא גזירת בתו כשרה היכי קשיא הילכתא אהילכתא אלא בא לימילך מורין לו בר' אלעזר בן יעקב דאמר
 כנס אין מוציאין מכינו כר' יוסי דשארין⁶⁹ והלכתא⁷⁰ אין הללה אלא מאיסור כהונה בלבד ומאי ניהו כהן גדול דנסיב
 אלמנה ומית ליה לא תניא הא אלמנה היא ולכהן הויט מיהא שריא אלא מיכי אול עילוח שוויה הללה ואסירה
 לכהן הויט וכן כהן הויט שנישא גרושה וחליצה שווה הללה ובה ובה הללים האוו והילכתא אין זונה אלא גזירת⁷¹
 ומישחזררת ושניבעלה בעילת זנות דעריית⁷² רחביי כריתות ניהו ואין מפור אלא ממי שאיסורו איסור ערה ועניט ברת: גוי'⁷³
 ועבר ישבאו על בת ישראל הלך כשר בין בפניה בין באיט איש מיהא או הילך וזכר הוא בר ישראל מעליא היא וכשר
 בכהנת לא יהא אלא גר דקרא לן דגר כשר בכהנת ואי נקבה היא ללוי ולשיראל שריא לפהו אסירה דהא אמרין אפילו למן

דאמי' גוי ועבר הבא על בת ישראל הולך כשר פגום לכהונה האוי מקל וחומר ומה אלמנה לבתן גדול שאין איסורה שוה בכל בנה פגום זו שאיסורה שוה בכל אינו דין שבנה פגום וכי חיסא מה לאלמנה לבתן גדול שבין היא עצמה מוחללת הכא נמי כיון דבא עליה גוי ועבר פסלה מן הכהונה דאמי' ר' יוחנן משום רבי ישימעאל מניין לגוי ועבר שבא על בוחנת לוי וישראלית שפסלה שני' ובת כהן כי תהיה אלמנה וגרושה וזוהי אין לה מי שיש לו אלמנות וגרושות בה יצאו גוי ועבר שאין לו אלמנות וגרושות בה: ובת⁷³ ישר' פניה דמוניא מוישר',]

Verso.

[או מלוי או] מכהן דלאוו קרובין דאסורין ליה מדאורייתא נינהו שריא⁷⁴ לבתן דאמידי' לית היל' כר' אלעזר דאמי' פנוי הבא [על הפניה] שלא לשום אישות עשאה זונה אי שומרת יבם היא דמוניא מוישר', או מכהן או מלוי שריא ליה ואי [עבר בה י'] בם [מאמר] אפסא ליה⁷⁵ ומאי ניהו קידושין אסירא ליה. ואי זינאי מן ממזר וכתי ונתן נמי פסולה מן הכהונה כל לוי של דבר כל שפסול כיון שבא עליה פסלה מן הכהונה. היל' אין אב⁷⁶ לגוי אפקדיה⁷⁷ רחמי' לזרעיה [רכת' אשר] בשר חמורים וי' והיל'⁷⁸ בנך הבא מוישראלית קרוי בנך ואין בנך הבא מן השפחה ומן הגויה קרוי בנך [אלא בנח'] גר וגוירת עד שלשה דורות מותרין בממזרת מיכן ואילך אסורין בממזרת⁷⁹. ממזר⁸⁰ שגשגא שפחה הולך [עבר שירך] נמצא הבן בן חורין. מי שחזיו עבר וחזיו בן חורים כופין את רבו ועושה אותו בן חורים וכותב על [הזיו דמזיו] שטר אין כותבין גט חירות⁸¹ לשני עבדים בכתב אחר או לשתי שפחות בכתב אחר או לעבר ושפחה בכתב [אחר אלא] לכל אחד ואחד כפני עצמו. ואילו עבדא דכתב ליה מריה גיטא דחירותא מעליא ומקמי דיהבנא ליה⁸²

[א' ליה בפ'] עדים ואחני בהריה⁸³ דמאית⁸⁴ הווא גברא מריה⁸⁵ הוא דהוי משוחדר אפילו כי מאית נמי לא הוי משוחדר

- [מאי טע'] דהוה ליה גט ולאחר^{85a} מיתה וקומא לן דאין גט לאחר מיתה. אי בהדיא שעתא א ליה מעכשיו משתחררת⁸⁶ [בתנאה⁸⁷ דפ] לחת קמאי כל חי ימי הוה משוחרר מעכשיו לא יחייבה⁸⁸ מיהיב במצוות ולמיסב⁸⁹ בת ישר' לא מנסבין ליה [עד דמאית ר] ביה דילמ' מאות הוה מיקמי רביה ולא איקום תנאה. עבדא כד⁹⁰ משתבע דלא למיעבד מלאכה וכל⁹¹ מילי [דמשתעבד] לרביה לא צריך הפרה כל עיקר ואי משתבע דלא למיעבד מילי אחריתא לא מצי רביה מפר ליה כי אמ' [רחמ' אב ונעל] אבל רביה לעבדיה לא אשכחני. לקח שפחה ובא עליה ונתעברה הימני ואחר כך שיתרה והטבילה לשום [חרות וא]חר כך ילדה אותו הולך גר הוא ואינו צריך טביחה סני⁹² ליה טבילת אמו ולענין נחלה לא ידית ליה דלא⁹³ מקרי [בנו מאי] טע' דבעינא זרע שנודע בקדושה ולכא וכן מי שנשא אישה שלא⁹⁴ היטבילה לשום נירת נותרה מעוברת [הימנו ו]אחר כך גיירה וטבילה לשום נירת ואחר כך ילדה אותו הולך גר הוא ואינו צריך טבילה⁹⁵ ונתגיירה מעוברת [וילדה ב]ל אינו צריך טבילה ולענין נחלה לא ידית ליה דלאו בריה מקרי. ואם נקבה היא בין מן השפחה בין מן [הנכרית]⁹⁶ לישר' בשירה⁹⁷ ולכחן אסורה. מאן⁹⁸ דמשחרר אמתו⁹⁹ ומתני בהדיה¹⁰⁰ תנאי וכפל ליה¹⁰¹ ומינסבא ההוא אמתא והוה [לה בני ו]לסוף לא מקיימא ליה לההוא תנא הויא ליה¹⁰² שפחה למפרע וכל בני דילת עבדי נינהו ועריבין למיהדר [לשחררני] הו לדידהו. המוכר עבדו לגוים¹⁰³ קונסין אותו על אחת¹⁰⁴ עשרה בדמיו ועבד יצא לחירות¹⁰⁵. הלוקה¹⁰⁶ עבד מן הגוי ולא [קובל על]יו למול מנעל עמו כל שנים עשר חדש אם אינו מקבל עליו מותר למוכרו לגוים. המוכר את עבדו לחוצה [לארץ כ]לפין את רבו שינית¹⁰⁷ ונזניא¹⁰⁸ לחירות. ואין כופין את בני אחריו להוציא לחירות¹⁰⁹. הני נזניא¹¹⁰ אי מנירי שרו [למעל] בקהל ושבעה גוים נמי כי מנירי שרו דכי אמ' רזמ' לא תחתן במ בנותן אבל כי מנירי שרו דאשבחן ברחב [הזונה ד]משבעה גוים הואי ואי נירה¹¹¹ ונסב יהושע ונפין מינה כהנים נביאים¹¹² ירמיה וחלקיה ברוך ונריה שריה [ועזריה] הנמאל ושלום¹¹³. גבעונים¹¹⁴ הרי הן כממוריס פיתן¹¹⁵ מותר ומחייבין בכל מצות דמחייב מפור¹¹⁶. ואסור לישא

Fol. 2. *Recto*.

נערה נזיה ואם בת ישר' נערה כשיר' לבוא בקהל ואסורה לבחן ואסורה לאותה [שנבעלה לו?]
 ואם י"ש לה בת אסורה לבחן ממך רב חנינה ריש מתיבא¹²⁷. כבר הוי שיתא אלפי מת[לי]¹²⁸]

שיתא חוטי קנדרוג סנדרוס¹²⁹. קידושין שלא נמסרו לביאה אמ' אביי הוי קידושין [רבא אמ' לא הוי קידושין והילכתא]
 באביי בעל קנא סימ'. הובי דמי¹³⁰ קידושין שלא נמסרו לביאה כגון דהוה נקיס כלב[ל] לה דפריי או מדיי אחריי ויתבי¹³¹
 אשה ובתה או אשה ואחותה וא' הרי אחס מקודשת¹³² לי בכלכלה זו ושקלתה חרא [סתמא הוי קידושין]
 שלא נמסרו לביאה ועריכות גמ מיניה תרתי ויהי¹³³ אסור בתרתי ויהי¹³³ ואסור בקרי [בותרין]. המגרש¹³⁴ את האשה ולנה

עמו בפונדקי בית שמוי אמ' אין צריכה ממנו גמ שייני ובית הילל א' צריכה ממנ[ו] גמ שני ומודים בנתגרשה מן]
 האיסורין¹³⁵ שאין צריכה הימנו גמ שייני מפני שאין לבו גמ בה. גמ¹³⁶ מעושה בעולם [שחובטין אותו ואו' לו עשה מה שישר' או']
 כך¹³⁷ פסול הוא והיכא דנסיב הכי לא מפיקין לה א' רב פפא היל' מלוות על פה גובה מן [הורשים ואינו גובה מן הקחות]
 גברא כי מסכין או מפריש או יוצא בקולך וא' לתרי גברי כיתבו גיטא לאיתחתיה¹³⁸ ו[.] כותבין]

ונותנין לה אף על גב דלא אמ' להו תנו. והיכא דא' ליה הדין ובניניה לי [.]
 מדלו לה דנקא וישאר מישלם¹³⁹ דלא הכין ניהא ליה חסר ויתרי. בן עשרים שנה [.]
 חסרים לא חולין ולא מייבם מאי טע' כל העולה לחליצה עולה ליבום ובי לא נ[.]
 לא שניא איש ולא שניא אשה א' ר' יהושע בן לוי המוצר עבדו לגוי¹⁴⁰ קונסין אותו [עד עשרה בדמיו ואיכא דאמרין¹⁴¹
 עד מאה בדמיו והיל' בר' יהוש' בן לוי. ואם אין מצוי ארניו שמכרו פורין איתן¹⁴² ו' ישר' ו[.]
 ועיטין לו ערבות וכותבין לו עידות¹⁴³ שמחזיר בעידות¹⁴⁴ ישר' ופודה עצמו והוא [.] שחיבין לפדות עבדו?]

- של ישר' כשם שהיבין לפרות בר ישר'. כרחק¹⁴⁵ פודין את השבועים מלך קודם לכן גדול כהן גדול קודם למש' מל' מש' מל' קודם לסמן סגן לאמר כוליה¹⁴⁶ אמ' כוליה¹⁴⁷. קודם לבחן הדיוט¹⁴⁸ ללוי לישר' ייט'ר' לממור ממור לחתין נתין לגר וגר לעבד']
- במה דבר' אמ' שכולם עמי הארץ או כולם תל' חכ' אבל אם היה ממור תלמי' חכמ'¹⁴⁹ וכ' הן גדול עם הארץ ממור תל' חכ' קודם]
 לבחן גדול עם הארץ וכן הלכה' חנניה בן אנטיגנוס או' כל תועות שאינה יכולה] לשמור את קדושתה אינה יכולה למאן]
 וא' רב יהוד' אמ' שמו' הלכה בר' חנניה בן אנטיגנוס ואי נמי עמדה ונתקדשה משום ר' יהודה בן] בחירה אמרו קדושה הן הן מיואניה]
 עשוי שכר אמרו חכמ' קטנה שלא מאנה ועמדה ונתקדשה משום ר' יהודה בן] בחירה אמרו קדושה הן הן מיואניה]
 משכיר אדם לגוי שדה ובית אבל לא את המרחץ ולא את הפורני שדה מפני']]
 שלש מנ' ¹⁵¹ הוא עשוי מרחץ ופרני מפני שמחללי' בהם את השבת ועושין מלא' כה בשבתות וימים טובים' אמתיה¹⁵² דמר שמו']
 אישתבו פרקו לשם אמהותא ושרונה ליה שלחו ליה אנן כרבנ' שמע' בן] גמליאל סבירא לן את נמי אי כרבנ' סבירא לך]
 25 אנן לשם אמהותא פריקנא לה ¹⁵³ ואמו' לאחר יאוש הזה ¹⁵⁴ ולא מיבעיא אישת' עבדי דלא משתעבד בה אלא']
 אפילו ניטא דחירותא נמי לא צריכה ושמאל' לטומע' דאמ' שמו' ¹⁵⁵ כל עבד איש מן' קנת כסף']
 אבל ¹⁵⁶ כל עבד שיש ¹⁵⁶ רשות לרבו עליו אינו קרוי עבד' והיל' ¹⁵⁷ הבא ¹⁵⁸ מנכסי יתומים] לא יפרע אלא בשבועה וכן היתומים]
 מן היתומים לא יפרעו אלא בשבועה ויתומין שאמרו גדולים ואין צריך לומר ק' טנים בין לשבועה בין ליבירות']
 30 יתומין ¹⁵⁹ דאחייב אבוהון שבועה ומת ולא נשבע לא מחייבין יתמי לאישתבוע' לפי שאין אדם מוריש']
 שבועה לבניו ומאן דמחייב שבועה לתמי עד דמנדלין יתמי לא משתבע'] יתומים ¹⁶⁰ שסמכו אצל בעל הבית או']
 שמינה להם אביהם אפטרופוס הוא אמרינן לעשר פרוותיה' ומניה עד יעד' לו']

פרוותיהן בתרומתן תיובתא אתם ולא אפטרופוס כולא כד' שלא יעשר וית[רום].....
 בדקא מפריש רב חסדא¹⁶¹ חייב לעשר פרוותיהן. ורמינהו בן תרמינו גם אתם [אתם ולא שותפין אתם ולא אריסין אתם]
 ולא אפטרופוס אתם ולא התורם את שאינו שלו א' רב חסדא לא קשיא כא[ן] להאכל כאן להניח והתניא אפטרופוס]
 תורמין ומעשרין להאכל אבל לא להניח ומוכרין להן עבדים בהמה ושפ[ות] להאכל אבל לא להניח ועישין להן.¹⁶²
 סוכה ולולב¹⁶³ וציצית וכל דבר שיש בו קיצבה לאיתוי קיצבה לאיתוי¹⁶⁴ שופר ול[קחין] להם ס' ח' תפלן ומוזות]
 וכל דבר שיש לו קיצבה לאיתוי מנילה וכל¹⁶⁵ פוסקין עליהם ערקה ואין [פנ]דין [עליהן את השבויין].....¹⁶⁶

Verso.

א' להו ברשותא דלוקא אייך אמ[ן] ליה ווא לא יהבו ליה ווי א' להו אם בן הינו דרב נהילאי בר אידי דא' רב נהילאי בר
 [אידי א' שמואל נכסי יחומים הרי] הם בהקדש דלא מקנו אלא בכספא חמריה¹⁶⁷ דרבנא עוקבא יתמה משיבה בארבעה
 [ארבעה ואיך וקם בשותא שיתא] אתה לקמיה דרב נחמן אמ' להו הכי אמ' רב נהילאי בר אידי א' שמו' ממון של יחומים
 [הרי הוא בהקדש ולא מקני אלא בכספא] משוך פירי מיתמי אקור הינו דרב נהילאי בר אידי זול לא יהא כוח הדיוט חמור
 [מהקדש אמשיכו להו פירי ליתמי] אקור לא יהא כוח הדיוט חמור מן ההקדש זול הינו דרב נהילאי בר אידי א' להו
 [רב שישא בריה דרב אידי הא רעה ה'] להון זימנין דמצטרבי לפירי ולא יהבו להו יהבו יתמי וזוי אפירי זול לא יהא
 [כח הדיוט חמור מן ההקדש אקור] סיבור מינה הינו דרב נהילאי בר אידי א' להו רב שישא בריה דרב אידי הא ריעה¹⁶⁸

[הוא לירידה דאחו למימר נשרפן] חייטכם בעליה יתבו לחון ליתמי זוני אפרי איקר לא יהא כוח הדיוט המור מן [ההקדש זול ובו]¹⁶⁹ א' להו רב שייטא בריה דרב אדי ה' א דעה¹⁷⁰ להם פעמים שייטרכו לכספים ואין נותנים להם¹⁷¹ אמ' רב איטי א' להו רב איטי¹⁷²

¹⁰ [אנא ורב כהנא חתמינן אשטרא ר'] אומיה דעירא יתמא דרבני לברגא בלא אכרזא דאמרי נהרדע' לברגא ולמוני

[ולקבורה מזבנינן בלא אכרזא ע'] מרם צבע אפטרופא דיתמי הו אתו קרובים לקמיה דרב נחמן אמרי ליה הא קא [לבייט זוכסי מיתמי אמר] להו כי חיבי דלישתמען מילי¹⁷³ הא קא אכיל וייתי ולא אמרי¹⁷⁴ אומר מציאה אישכ

[והא קא מפסיד א' להו איתו ל'] שְהדי ואי סליק¹⁷⁵ דאמ' רב חונא חברין משמיה דרב האי אפטרופא דאיפסיד מסלקין [ליה והילכתא מסלקין ליה]¹⁷⁶ אבא שאול א' מ' אפטרופוס שמינה בית דין יישבע מינהו אבי יתומים לא יישבע¹⁷⁷ מאי טעמ'

¹⁵ [דאם בן מיטנע ולא עברי ואע"ג ד'] קא חני ר' אליעזר בן יעקב אחד זה ואחד זה יישבע¹⁷⁸ ואמרינן מיטנא ר' אליעזר [בן יעקב קב ונקי] אין למורי¹⁷⁹ הלכה כפי הלמוד במקום הרב¹⁸⁰ ועוד מדלא קא חני ליה לר' אליעזר

[בן יעקב כמתני' אי נמי כי¹⁸¹ ממני] נן אפטרופוס ליחומין למזבא¹⁸² לחון כדתנן זכין לאדם שלא בפניו ואין חבין לו [אלא בפניו והני מילי בקטנים אבל] בגדולים מנא זוכי לנפשיהו מי מחייב¹⁸³ נמי מחייב להו שטר חוב שכתוב בו [עריט גובה מן העריות ואפי' מ'] היתומין כגון דכתוב ביטטרה שלא יהא לך פירעון אלא מזוי. שני לקוחות

²⁰ [שלקחו שתי שדות בבת אחת ובא] בעל חוב לגבות רצה לגבות משניהם גובה מאחד מהן¹⁸⁴ ואין ללקוח אחד על

[חבירו כלום וה' מ' דוכני תריותה] בינונית אבל חד זבן עריות וחד לקח בינונית מבינונית משתלם מעריות לא

[משתלם דתנן הנוקין שמין להן בעריות וב'] על חוב בינונית וכתוב אשה בזיבורית ולא אמרן¹⁸⁵ אלא שיאר בינונית אחרת [אבל שיאר בינונית אחרת] אמ' ליה הנחתי לך מקום לגבות הוסינו א' רב נחמן א' שמו' היואח¹⁸⁶ שלקח¹⁸⁷

- הרי הן כלקוחות פחות מיש[חנות נקנה מקח יתר מישמות בטל מקח ישתות קנה ומוחיר הונאה והא דא'
 25 [פחות מישמות נקנה מקח ל]א אמרן אלא ביהומין גופיהו דפליגי בהדי הדדי אבל שלח דמר ושלח דמר
 [מעז אמר ליה לת]קוני שדרתך ולא לעוית וליתמי נמי לא אמרן אלא דלא שמוה בבית דינה
 [אבל שמוה לא דתנן שום הדינין] ופה¹⁸⁴ שות או הוחריו שתות מכרן בטל והני מילי במטלטלי אבל במקרקעי
 [אין הונאה לקרקעות ולא אמר] אלא באומדנא אבל במשתתתא¹⁸⁵ אפילו כל דהוא הרר דא' רבא כל דבר שמירה
 [וישבכנין אפילו פחות מ]כדי הונאה חזיר . איתמר¹⁸⁶ יתומין אומי' אנו השבחנו בעל חוב אומי' אביכם
 30 [השבחו על היתומים להביא ראיה מא] טע' כינ' דלגוביאנא¹⁸⁷ קימא כמאן דנביא דמי ויתמי ניתו ראיה ומשקלו
 [איתו יחמי ראה דאינו אשכוח] מסלקין להו בדמי ויטמין להו לישבחא כמה ישה ומסלקין להו בזוי
 [דא' ר' נחמן שלשה שמין להן את] השבח ומעלין להן בדמים אילו הן כבור לפשיט דהיכא דאשכח¹⁸⁸ פשיט
 [בחר דשכיב אבא שניס בוכרא לש]כחיה¹⁸⁹ ומסליק ליה בזוי ובעל חוב ליתומין הא דאמרן ובעל חוב ללקוחות
 [דהיכא דאשכוח לקוחות ו]אתא בעל חוב¹⁹⁰ וקרף להו שניס¹⁹¹ להן ומסלק להו בזוי . סד' נה'לה¹⁹² .
 35 [כך הוא ואל בני ישראל חזר איש כי ימות וכו'] אין לו בן קודם¹⁹³ לבת כל יוצאי יריבושל בן קודם לבת הבת קודמת לאחי
 [וכל יוצאי ירכה של בת קודמין לאחין קודמין לאחי האב כל יוצאי יריבו של אחין קודמין לאחי האב וזה הכלל
 [כל הקודם בנהל יוצאי ירכו קודמין] והאב קודם לכל יוצאי יריבו ובני אחין קודמין לבני אחיות בנהל . א' מר
 [בריה דרב יוסף מישמיה דרבא כנ]ר שנוהל לאחר מיתת האב אינו נוטל פי' שנים מאי טע' יכיר בעני ולכא
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In viewing now all the details obtained (see the notes) concerning the relation of S. to our fragment, we note on the one hand that, as I have already remarked, they run parallel to one another on the whole, and that they agree mostly in the arrangement of the halakot (I ה' בבורות, II ה' רבית, III [ה' ממונות]) as well as in the material, which is not the case in relation to the Halakot Gedolot. On the other hand, however, we see that S. had omitted several decisions (notes to fol. 1, ll. 12, 36, 52, to *verso*, l. 20), although much is to be ascribed to the copyist (as fol. 1, *recto*, l. 40-2, fol. 2, *verso*, l. 17), and other things again were added by S. in accordance with the *HG.* (note to fol. 1, *recto*, l. 36, *verso*, l. 24, note 110, l. 33, note 124). Indeed, he even made use of the *HG.* של אכפמיא, ed. Berlin (fol. 1, *recto*, l. 37, note 65). A. Epstein has arrived at the same conclusions upon other grounds (מאמר על ה"ג, p. 24 ff.). The language is either Aramaic or Mishnic, as established by Epstein (*l.c.*, p. 22) on the basis of citations. We even find here a tendency to hebraize the language of the Talmud (fol. 2, *verso*, l. 9), which is the case generally in S.

NOTES

¹ See my 'Rechtsgutachten der Geonim ed. Cassel, &c.', in *Jahrbuch d. jüd.-liter. Gesellschaft*, IX, p. 230 ff.

² Kiddushin 12 b: ... ל'אז היינו דיהודית דביתו דר' חייא דהות לה צער.

³ = אָם, comp. 'Rechtsgutachten, &c.', *l.c.*

⁴ So Tos., *ibid.*, באורית instead of באידית of the edition, comp. Aruch, s. v. אוריא; an Oxford fragment of a commentary (probably belonging to I. lananel) has: פיר בלשון פרסי שם המערב אורית (Neubauer, *Cat.*, II, 33), whence the Aruch explanation s. v. and Kohut's remark (note 1) that also several manuscripts have אורית.

⁵ The periods and the ץ (which is employed for the same purpose also in other manuscripts) serve to complete the line.

⁶ = היינו, *RG.A.*, &c., *l. c.*

⁷ MS. ט (= נו), more like נו.

⁸ *Hal. Ged.*, fol. 83 c.

⁹ אי שווא.

¹⁰ = הויה, likewise in Anan's ספר המצות, comp. Harkavy, *Stud. u. Mitt.*, VIII, 171, and also elsewhere.

¹¹ The Saboraim or the first Geonim. Such explanatory halakic traditions are not rare otherwise among the Geonim, thus Harkavy, No. 214: וסדירן

בפומא דרבנן מיטמא דרבואתא ראשונים דמן בתר סאבוראי כי היבין
דסדיר גמרא אילין מילי כלשון הזה . מנאיוזנן (נאמנותא = ?) היכי דמי כגון . . .
 (Hal. *Birurim*, ed. Venice, 53 c; Harkavy, p. 360); likewise
 הא כבר נקטי רבנן פירושא דרבנן סבוראי דבתר : fol. 94 a-b, שערי צדק
 הוראה והבין אמרו ניהא ליה למלוה דאי אמר . . . אלן מילי בסדר הזה
וכליטון הזה אתאמרו מיטמא דרבנן סבוראי וסדירן בפומיהון דכולהו רבנן
ואתם חבירינו שמרו מפינו דברים שהן מסורת : Harkavy, No. 228; בתלמוד
 בדינו מפי אבותינו ואבות אבותינו מדורות הרבה כלשון הזה פנויה דונאי
 אלא הכין פרישו רבואתא : and Harkavy, No. 331, ולא ידעינן במאן . . .
 comp. Harkavy, כולחון מן פירוש ראשונים כלשון הזה הסמוכה לדופן . . .
 ושט' . . . דאמור רבנן יכול אדם לפטור את בנו פשוט וכול' . . . : No. 260
 הא יכול אדם דקאמרת דאמור רבנן לא ידעיננא ליה ולא גרסינא מעולם
 וליתה בגמ' ושמו קצת הראשונים או האלופים בתראי אמרי דברים הללו
 "אין אנו מכירים בהן . . .

¹² = נמי.

¹³ Taxes which he owes.

¹⁴ = כופין, Aruch, s. v. קמט at the end, similarly in Syriac.

¹⁵ Baba batra 47 b.

¹⁶ *Ibid.*, 48 a ff.

¹⁷ Our editions have : ולא אמרן אלא בשדה סתם אבל בשדה זו לא
 ובשדה זו נמי לא אמרן אלא דלא ארצי זווי אבל ארצי זווי לא ולא אמרן
 אלא דלא הוה ליה לאישתמוטי אבל הוה ליה לאישתמוטי לא והלכתא
 בכולהו דהוו זביניה וזביני ואפי' בשדה זו דהא אשה כשדה זו דמיא . . .
 והני מילי דלא אמצי (ארצי) זווי : The Gaon, however, read only :
 מעיקרא אבל ארצי זווי מעיקרא לא והלכתא אפילו אמצי זווי מעיקרא
 ואפי' שדה (= 'שדא') זו נמי הוי זביני דהא אשה כשדה [זו] דמיא . . .
 The phrase . . . והני מילי דאתא ואשכחיה is a paraphrase of the above-
 mentioned reading.

¹⁸ = דקמיט, part. pass., Syr. *vinctus*.

¹⁹ = אפילו, from אפילו, whereas אפילו is composed of אפ, לו.

²⁰ = שדה.

²¹ [זו] ביטרה ?

²² Kiddushin 12 b.

²³ See note 19.

²⁴ Editions : בלא שידוכי ואיכא דאמרי ואפילו בשידוכי, the אמרי is therefore here, *as in several other places*, a mere gloss of the copyist who wished to indicate a variant, and the reading of the Gaon corresponds to this variant.

²⁵ Ed. above : . . . דחליף לא והא ההוא חתנא דחליף.

²⁶ Paraphrase of מידם הוה דייק.

²⁷ *Ibid.*

²⁸ Ed. אמרו ליה . . . אמר להו.

²⁹ Comp. Poznański, *Zf/B.*, XV, 186 [and now *REJ.*, 1912, 232 f.].

³⁰ Owing to a change in the folding of the leaves the one designated by me as first is now second in order. That the leaves were originally inverted is also proved by the stiff edge at the bend inside.

³¹ Promiscuous halakot are also found in the הלכות קצובות; in תורתן, של ראשונים, I, e. g. p. 26, in the הלכות נטין, similarly the halakot, *ibid.*, II, p. 5 ff.

³² See note 30.

³³ S. (= Schlossberg, *ה"פ* 34, l. 19 (*Hal. Ged.*, ed. Berlin, 596-7).

³⁴ ומי.

³⁵ בהמה.

³⁶ S., Sheeltot, No. 44 and *HG.*, ed. Berlin, 597 (and so *Menaḥot* 56 b) אמר כוונתו ואמר כל מים.

³⁷ S. rightly טהורה.

³⁸ בפטר.

³⁹ S. שנא דפריק ליה, *HG.*, ed. Ven., 139 a, ed. Berlin, 600 : ולא בכוי אבל בנקיא ושפיר . . . באמרא או בעיוא או בנקיא שפיר. ברחא is frequent in Syr. 'sheep' (against Hildesheimer), שפיר דמי *Talmud*, Pers. *بَرَز* 'lamb'.

⁴⁰ *HG.*, ed. Ven., 139 b, ed. Berlin, 597; missing in S.

⁴¹ Missing in S.

^{41a} *Bekorot* 9 b, comp. *HG.*, ed. Berlin, 599-600.

⁴² Customary way of writing אע"פ in Oriental manuscripts, see my *Rechtsgutachten*, &c., p. 231.

^{42a} *Sifre*, *ראה*, § 124. *Bekorot* 9 b . . . וכי פטר is unclear to me, comp. *Bekorot* 25 a.

⁴³ S. 34, l. 1 from below.

⁴⁴ *HG.*, ed. Berlin, 599.

⁴⁵ = מיהו, see my *RGA.*, p. 270.

⁴⁶ מעלה.

⁴⁷ So *HG.*; S. בקדשים.

⁴⁸ תנא כשם שהוא סבור, ליה = ליה, likewise *HG.*; S.

⁴⁹ *HG.*, ed. Berlin, 571 (briefly 596).

⁵⁰ A good reading *שמעון*, but Ed. *אושפיוכניה*, similarly S. *אושפיוכן*, also Syr. *אשפוכנא*, Brockelmann, 29 a and 491 a.

⁵¹ *טבלא*.

⁵² *חייביה*.

⁵³ *א[מר]ה*?

⁵⁴ = *פטור אח*.

⁵⁵ = *וליעבד*.

⁵⁶ *ואם* with Aramaic following, so below (l. 34. . . . *א[יכא]*).

⁵⁷ *[שנהגו]*.

⁵⁸ *[הזרוע]*.

⁵⁹ *ולא* scribal error.

⁶⁰ S. *יש אישה כוהנת*, *ואם*, comp. note 56.

⁶¹ *לכהן* scribal error.

⁶² From here onwards the fragment is extant in G (inzberg, *Gzonica*, II), 394, from which I supply in brackets the parts missing in our manuscript.

⁶³ *HG.*, 136 b below; missing in S. at this point, but found abbreviated in accordance with *HG.*, 139 b (ed. Berlin, 596), on p. 34, l. 10!

⁶⁴ = *ואיתבר*, also G. and *HG.* exhibit *waw*, likewise *HG.*, ed. Ven. Hal. BM., fol. 117 b several times *אוור* (var. *אבור*, *אבור*), similarly Mandaic, comp. Nöldeke, *Mand. Gr.*, 49; see also Aptowitz, *MGWJ.*, 1911, 382.

⁶⁵ G.: *והיכא דאיכא עגלא או אימרא או גריא דאישתתיו אומיה* ביומיה ואיערב איהו בהדי אחרני ולא ידיע הי מנייהו וקא באעי משחט חם (א. 2.) ביומיה מנייהו לעיליניהו לדוכתא אחרותי ולמוחניהו וכל דפאריש מירובה פאריש ובר פייטין תרי לא נישחוטניהו עד למחר סליק הילכית ובמקום *יש עגל*. . . . This is also found in *HG.*, 134 b and S.: . . . but preceding it S. has also a halakah concerning *חלה* which, however, is probably a later addition derived from *HG.*, ed. Berlin (אספמיא), 139 a, where it is quoted in the name of the *בהן צדק* (= Tos. Pesahim 46 a). Our fragment omits therefore *[עגלא . . .]*; *היכא דאיכא* the *בכורה*, however, was absent from the original, for it is likewise missing in S.

⁶⁶ S. 35, 8 from below, *HG.*, 65 a.

⁶⁷ *כהנא*, *כהנה*.

⁶⁸ Missing in S., perhaps owing to an omission from *הלכתא* (בר' אליעזר) *והלכתא* (אין הללה) in the copy of the translator of S., or omitted by the copyist of S. through homoioteleuton.

⁶⁹ What follows here is supplied from G. 394, 10 ff.

⁷⁰ S. 35, 4 from below.

⁷¹ G. 395, 1; S. 36, 1.

⁷² S., *ibid.*, *HG.*, 64 d.

⁷³ Wanting in S., but found in *HG.*, *ibid.*

⁷⁴ *שריא*.

⁷⁵ *אסירא ליה* is here superfluous, not found in G. and *HG.*

- ⁷⁶ G. אם. ⁷⁷ אפקריה. ⁷⁸ G. 396, 1; *HG.*, 64 d.
⁷⁹ Up to here missing in S. (see above, n. 73).
⁸⁰ S. 36, 12. ⁸¹ חירות. ⁸² דיהבה ניהליה.
⁸³ G. supplies above the line תנאה. ⁸⁴ G. עד דמיית.
⁸⁵ G. (מריח). ^{85a} G. לאחר. ⁸⁶ = משתחרר את.
⁸⁷ So G., S. בהנאה!
⁸⁸ לאיחוי'בי במצות G. לאיחייביה. ⁸⁹ G. ולמנסב.
⁹⁰ G. כי; *HG.*, 108 a-b; S. *ibid.*
⁹¹ G. and *HG.* בכל, so S.
⁹² G. and *HG.* שאיפשר S. דסני.
⁹³ G. and *HG.* ישיינו בנו, דלאו בריה מוקרי, so S., G. ינשא את.
⁹⁴ *HG.* ינשא את. וכן מי שנשא את הגויה שלא הטבילה.
הגויה ולא הטבילה.

- ⁹⁵ G., S., and *HG.* דאמר רבא נתגיירה.
⁹⁶ G., 397, 1 (S. and *HG.*, *ibid.*).
⁹⁷ All: כשירה לישראל.
⁹⁸⁻¹⁰³ The whole passage is wanting in S.
⁹⁹ G. and *HG.* אמתא. ¹⁰⁰ בהרה.
¹⁰¹ Likewise *HG.*, 108 b, G. has above ליה וכפל the gloss: נגד ותהיה: אם יעברו אם לא נָגַד וְתִהְיֶה, *animosus et socors?* = (יעברו), so also an Arabic gloss, G. 395, to l. 29 ff. Parts of the ה"פ with an Arabic translation are indeed found also in Oxford Cod. 2634²⁰, 2669¹¹, 2760¹⁴, &c. [see now *RÉJ.*, l. c.].

- ¹⁰² לה. ¹⁰³ Comp. below, fol. 2, *recto*, l. 14.
¹⁰⁴ G. אחד. ¹⁰⁵ See note 98.
¹⁰⁶ S. 36, 6 from below. ¹⁰⁷ שיני. ¹⁰⁸ ומוציאו.

- ¹⁰⁹ From המוכר עבדו until here not in *HG.*, l. c.

- ¹¹⁰ Likewise G., S. on the other hand has: שבעה גוים שהעלימו קודם:

כיבוש הארץ מותרין לבוא בקהל ויש חכמים שחלוקין שאומרים אם ולענין חליצה until מתגיירין אין נכנסין לקהל ושבעה גוים כל מקום . . . פסולין (S. 37, 7), all in accordance with *HG.*, 108 b, where we read likewise: רבנן רבנן דפליגי על זוגאי ועל שבעה גוים דלא עיילין בקהל תורתן, These are namely those who query R. Jehudai, *RG.A.*, ed. Lyck, No. 45, של ראשונים II, 7, who were of a different opinion than R. Jehudai and the הלכות פסוקות that follow him! From that Responsum the *HG.* also received the supplement after הוא הוה משיבעה גוים ולא יהודאי גאון ומר רב יהודאי גאון ולא משיבעה גוים הוה

... כִּשְׁנֵיכֶסֶד מִרְגָּלִים . . . לאֲרִין. S. did not include it. Concerning וְנָאִי see Kohut, s. v., comp. also Arab. ¹¹¹ ¹¹² ¹¹³ ¹¹⁴ ¹¹⁵ ¹¹⁶ ¹¹⁷ ¹¹⁸ ¹¹⁹ ¹²⁰ ¹²¹ ¹²² ¹²³ ¹²⁴ ¹²⁵ ¹²⁶ ¹²⁷ ¹²⁸ ¹²⁹ ¹³⁰ ¹³¹ ¹³² ¹³³ ¹³⁴ ¹³⁵ ¹³⁶ ¹³⁷ ¹³⁸ ¹³⁹ ¹⁴⁰ ¹⁴¹ ¹⁴² ¹⁴³ ¹⁴⁴ ¹⁴⁵ ¹⁴⁶ ¹⁴⁷ ¹⁴⁸ ¹⁴⁹ ¹⁵⁰ ¹⁵¹ ¹⁵² ¹⁵³ ¹⁵⁴ ¹⁵⁵ ¹⁵⁶ ¹⁵⁷ ¹⁵⁸ ¹⁵⁹ ¹⁶⁰ ¹⁶¹ ¹⁶² ¹⁶³ ¹⁶⁴ ¹⁶⁵ ¹⁶⁶ ¹⁶⁷ ¹⁶⁸ ¹⁶⁹ ¹⁷⁰ ¹⁷¹ ¹⁷² ¹⁷³ ¹⁷⁴ ¹⁷⁵ ¹⁷⁶ ¹⁷⁷ ¹⁷⁸ ¹⁷⁹ ¹⁸⁰ ¹⁸¹ ¹⁸² ¹⁸³ ¹⁸⁴ ¹⁸⁵ ¹⁸⁶ ¹⁸⁷ ¹⁸⁸ ¹⁸⁹ ¹⁹⁰ ¹⁹¹ ¹⁹² ¹⁹³ ¹⁹⁴ ¹⁹⁵ ¹⁹⁶ ¹⁹⁷ ¹⁹⁸ ¹⁹⁹ ²⁰⁰ ²⁰¹ ²⁰² ²⁰³ ²⁰⁴ ²⁰⁵ ²⁰⁶ ²⁰⁷ ²⁰⁸ ²⁰⁹ ²¹⁰ ²¹¹ ²¹² ²¹³ ²¹⁴ ²¹⁵ ²¹⁶ ²¹⁷ ²¹⁸ ²¹⁹ ²²⁰ ²²¹ ²²² ²²³ ²²⁴ ²²⁵ ²²⁶ ²²⁷ ²²⁸ ²²⁹ ²³⁰ ²³¹ ²³² ²³³ ²³⁴ ²³⁵ ²³⁶ ²³⁷ ²³⁸ ²³⁹ ²⁴⁰ ²⁴¹ ²⁴² ²⁴³ ²⁴⁴ ²⁴⁵ ²⁴⁶ ²⁴⁷ ²⁴⁸ ²⁴⁹ ²⁵⁰ ²⁵¹ ²⁵² ²⁵³ ²⁵⁴ ²⁵⁵ ²⁵⁶ ²⁵⁷ ²⁵⁸ ²⁵⁹ ²⁶⁰ ²⁶¹ ²⁶² ²⁶³ ²⁶⁴ ²⁶⁵ ²⁶⁶ ²⁶⁷ ²⁶⁸ ²⁶⁹ ²⁷⁰ ²⁷¹ ²⁷² ²⁷³ ²⁷⁴ ²⁷⁵ ²⁷⁶ ²⁷⁷ ²⁷⁸ ²⁷⁹ ²⁸⁰ ²⁸¹ ²⁸² ²⁸³ ²⁸⁴ ²⁸⁵ ²⁸⁶ ²⁸⁷ ²⁸⁸ ²⁸⁹ ²⁹⁰ ²⁹¹ ²⁹² ²⁹³ ²⁹⁴ ²⁹⁵ ²⁹⁶ ²⁹⁷ ²⁹⁸ ²⁹⁹ ³⁰⁰ ³⁰¹ ³⁰² ³⁰³ ³⁰⁴ ³⁰⁵ ³⁰⁶ ³⁰⁷ ³⁰⁸ ³⁰⁹ ³¹⁰ ³¹¹ ³¹² ³¹³ ³¹⁴ ³¹⁵ ³¹⁶ ³¹⁷ ³¹⁸ ³¹⁹ ³²⁰ ³²¹ ³²² ³²³ ³²⁴ ³²⁵ ³²⁶ ³²⁷ ³²⁸ ³²⁹ ³³⁰ ³³¹ ³³² ³³³ ³³⁴ ³³⁵ ³³⁶ ³³⁷ ³³⁸ ³³⁹ ³⁴⁰ ³⁴¹ ³⁴² ³⁴³ ³⁴⁴ ³⁴⁵ ³⁴⁶ ³⁴⁷ ³⁴⁸ ³⁴⁹ ³⁵⁰ ³⁵¹ ³⁵² ³⁵³ ³⁵⁴ ³⁵⁵ ³⁵⁶ ³⁵⁷ ³⁵⁸ ³⁵⁹ ³⁶⁰ ³⁶¹ ³⁶² ³⁶³ ³⁶⁴ ³⁶⁵ ³⁶⁶ ³⁶⁷ ³⁶⁸ ³⁶⁹ ³⁷⁰ ³⁷¹ ³⁷² ³⁷³ ³⁷⁴ ³⁷⁵ ³⁷⁶ ³⁷⁷ ³⁷⁸ ³⁷⁹ ³⁸⁰ ³⁸¹ ³⁸² ³⁸³ ³⁸⁴ ³⁸⁵ ³⁸⁶ ³⁸⁷ ³⁸⁸ ³⁸⁹ ³⁹⁰ ³⁹¹ ³⁹² ³⁹³ ³⁹⁴ ³⁹⁵ ³⁹⁶ ³⁹⁷ ³⁹⁸ ³⁹⁹ ⁴⁰⁰ ⁴⁰¹ ⁴⁰² ⁴⁰³ ⁴⁰⁴ ⁴⁰⁵ ⁴⁰⁶ ⁴⁰⁷ ⁴⁰⁸ ⁴⁰⁹ ⁴¹⁰ ⁴¹¹ ⁴¹² ⁴¹³ ⁴¹⁴ ⁴¹⁵ ⁴¹⁶ ⁴¹⁷ ⁴¹⁸ ⁴¹⁹ ⁴²⁰ ⁴²¹ ⁴²² ⁴²³ ⁴²⁴ ⁴²⁵ ⁴²⁶ ⁴²⁷ ⁴²⁸ ⁴²⁹ ⁴³⁰ ⁴³¹ ⁴³² ⁴³³ ⁴³⁴ ⁴³⁵ ⁴³⁶ ⁴³⁷ ⁴³⁸ ⁴³⁹ ⁴⁴⁰ ⁴⁴¹ ⁴⁴² ⁴⁴³ ⁴⁴⁴ ⁴⁴⁵ ⁴⁴⁶ ⁴⁴⁷ ⁴⁴⁸ ⁴⁴⁹ ⁴⁵⁰ ⁴⁵¹ ⁴⁵² ⁴⁵³ ⁴⁵⁴ ⁴⁵⁵ ⁴⁵⁶ ⁴⁵⁷ ⁴⁵⁸ ⁴⁵⁹ ⁴⁶⁰ ⁴⁶¹ ⁴⁶² ⁴⁶³ ⁴⁶⁴ ⁴⁶⁵ ⁴⁶⁶ ⁴⁶⁷ ⁴⁶⁸ ⁴⁶⁹ ⁴⁷⁰ ⁴⁷¹ ⁴⁷² ⁴⁷³ ⁴⁷⁴ ⁴⁷⁵ ⁴⁷⁶ ⁴⁷⁷ ⁴⁷⁸ ⁴⁷⁹ ⁴⁸⁰ ⁴⁸¹ ⁴⁸² ⁴⁸³ ⁴⁸⁴ ⁴⁸⁵ ⁴⁸⁶ ⁴⁸⁷ ⁴⁸⁸ ⁴⁸⁹ ⁴⁹⁰ ⁴⁹¹ ⁴⁹² ⁴⁹³ ⁴⁹⁴ ⁴⁹⁵ ⁴⁹⁶ ⁴⁹⁷ ⁴⁹⁸ ⁴⁹⁹ ⁵⁰⁰ ⁵⁰¹ ⁵⁰² ⁵⁰³ ⁵⁰⁴ ⁵⁰⁵ ⁵⁰⁶ ⁵⁰⁷ ⁵⁰⁸ ⁵⁰⁹ ⁵¹⁰ ⁵¹¹ ⁵¹² ⁵¹³ ⁵¹⁴ ⁵¹⁵ ⁵¹⁶ ⁵¹⁷ ⁵¹⁸ ⁵¹⁹ ⁵²⁰ ⁵²¹ ⁵²² ⁵²³ ⁵²⁴ ⁵²⁵ ⁵²⁶ ⁵²⁷ ⁵²⁸ ⁵²⁹ ⁵³⁰ ⁵³¹ ⁵³² ⁵³³ ⁵³⁴ ⁵³⁵ ⁵³⁶ ⁵³⁷ ⁵³⁸ ⁵³⁹ ⁵⁴⁰ ⁵⁴¹ ⁵⁴² ⁵⁴³ ⁵⁴⁴ ⁵⁴⁵ ⁵⁴⁶ ⁵⁴⁷ ⁵⁴⁸ ⁵⁴⁹ ⁵⁵⁰ ⁵⁵¹ ⁵⁵² ⁵⁵³ ⁵⁵⁴ ⁵⁵⁵ ⁵⁵⁶ ^{557</}

111 ואיגירה

¹¹² G. כהנים ונביאים (see, however, n. 133), the rest is missing, in *HG*. even ונפקו מינה כהנים ונביאים is wanting.

¹¹³ The names are wanting in all other sources; they are groups of son and father (and on this basis I supply עזריה): ברך, חלקיה, יימיה, שלום, חנמאל, [עזריה], שריה, נריה.

¹¹⁴ S. 37, 4; *HG.*, *l.c.*

¹¹⁵ G., S., and *HG.* פתן ויין.

¹¹⁶ Similarly *HG*. וּבְכָל מִצְוֹת יִשְׁחִיב מִמּוֹר גַּם S. בכל מצות שמזור, but G. has דְּמַחִיב הַחֹר for which read מִמּוֹר (not as G. דְּמַחִיב הַחֹר).

¹¹⁷ דעבר G., *ibid.*, S., *ibid.*, 7; HG., 65 d.

118 חייבי

119 דנוטל

¹²⁰ G., HG., and S. אֵלָא אֲפִילוּ מַחֲיִיבִי, here in the next line בְּרִיתוֹת נָמִי is probably to be supplied.

¹²¹ G. has here: מכל מקום: סליק, with which that fragment stops, see also n. 123.

122 עשינו לו

¹²³ Also in S. הלכות בבורות follow after הלכות רבית.

¹²⁴ S. 38, 8: ... והלכה הלוהו חבית (preceding it ... 37, 8 איזהו נשך, from below, then ומי שהלוהו *ibid.*, l. 4 from below, both in *HG.*, 93 d, ed. Berlin, 375), *HG.*, 95 a below, ed. Berlin, 381: ... הלוהו חבית.

¹²⁹ גרם ; קנדרוג סנדרוס, also in *HG.* (ed. Berlin, 511), comp. Aruch, s. v. but in what connexion does it stand here? Perhaps, however, the passage from כנר to סנדרוס constitutes a gloss.

¹³⁰ S. 50 above.

¹³¹ According to S.

¹³² מקודשות.

¹³³ Read : בתרתייה, תרתייה ; S. : שתיהן.

¹³⁴ S. 100, 9 : גט המעושה . . . גם בה' גט המעושה : בישראל . . .

¹³⁵ האירוסין.

¹³⁶ *Gittin* 88 b. S. : גט המעושה בישראל כשר ובנוים פסול ואם : likewise חובטין אותו גוים . . . עשה מה שישראל אומר לך כשר קצובות של ראשונים in ה' קצובות תורתן, I, 26 ; so also Asher, *Baba batra* 3, 51 in the name of the *Hal. Ged.*

¹³⁷ According to an explanation by Asher, *ibid.*, . . . ובישראל, to be referred to פסול, cp. *Hal. Ged.*, ed. Berlin, 335 and 336.

¹³⁸ לאיתתי הו[ה]?

¹³⁹ The *HG.* (ed. Ven. and ed. Berlin, 457) *Hal. Baba batra* have the following to *Baba batra* 145 b : אמר אביי נהוג בני גננא מדלי ליה מאי דהוה בעי : מצבתא ליה לדיליה ושארא משלם עד וזא . . . שער, cp. Naḥshon Gaon, *עזרא*, IV. 3, Nos. 48 and 36 : לדלויי ליה תילתא לדיליה : but here apparently we have something different.

¹⁴⁰ See above, fol. 1, *verso*, l. 22.

¹⁴¹ See *Gittin* 44 a.

¹⁴² אותו.

¹⁴³ 'certificate', recommendation.

¹⁴⁴ מחזיר על הפתחים, comp. מחזיר 'in the communities', as to בעדות. Such recommendations for פדיון שבויים are not rare in later days.

¹⁴⁵ *Horayot* 13 a, but only partly (beginning with ללוי) in the Mishnah, the rest is a Baraita.

¹⁴⁶ = אמרכל according to the explanation of R. Ḥisda, *ibid.*

¹⁴⁷ אמרכל קודם [לנובר גזבר קודם לראש משמר ראש משמר קודם] לראש בית אב ראש בית אב קודם.

¹⁴⁸ כהן קודם ללוי לוי לישראל.

¹⁴⁹ = תלמיד חכמים, see my *R. G. A.*, &c., pp. 245 and 249.

¹⁵⁰ ונתקדשה.

¹⁵¹ שלשימור, but see *Abodah zarah* 21 b.

¹⁵² *Gittin* 38 a.

¹⁵³ לה.

¹⁵⁴ והה.

¹⁵⁵ [המפקיר עבדו יצא לחירות ואינו צריך גט שיחרור שני].

¹⁵¹ We are to read either אלא [עבד איש ולא עבד אישה] מן קנת כסף עבד איש ולאו עבד אישה] אלא כל עבד שיש רשות לרבו עליו [קרוי עבד שאין רשות לרבו עליו] אונו מן קנת כסף עבד שיש רשות לרבו עליו קרוי עבד] אבל כל or קרוי עבד עבד שאין רשות ...

¹⁵⁷ S. 44. 2 ff.: ... והלכה הבא ליפרע, from here onwards our text runs parallel with S., *H. G.*, ed. Berlin, 342.

¹⁵⁸ [ליפרע].

¹⁵⁹ Not in S. but *HG.*, 86 d below (ed. Berlin, 342).

¹⁶⁰ S., *l. c.*; *HG.*, Baba kamma 87 a-b (ed. B., 343). Giffin 52 a.

¹⁶¹ From [ד] אמרין הא to רב חסדא is a gloss, not in S. and *HG.*

¹⁶² So S.

¹⁶³ So also S.

¹⁶⁴ ואין קיצבה לאיתויי, dittography.

¹⁶⁵ ואין.

¹⁶⁶ Supplied according to S. Hereupon follows the whole Baraita unto ההוא אפטרופוס דהוה ... ואם מינן אבי יתומים הרשות בידו, and finally ... והא אייקר הנהו יתמי דהוו סמיכי till about 11 lines.

¹⁶⁷ Giffin, *ibid.*

¹⁶⁸ ריעה.

¹⁶⁹ Either the copyist had abbreviated here too or else had omitted by mistake, for there is no place for the whole passage.

¹⁷⁰ רעה.

¹⁷¹ The talmudic text is: הא רעה היא לדירדהו דומנן דמצטרבי לזווי וליכא דיהב להו, which is here rendered into Hebrew, as is the case throughout in S.

¹⁷² א' לכו רב אשי, dittography.

¹⁷³ מיליה.

¹⁷⁴ אמיר.

¹⁷⁵ ואיסליק [ניה].

¹⁷⁶ According to *HG.*, 87 b; S. 45.

¹⁷⁷ [והילכתא כאבא שאול], so *HG.*, *l. c.*

¹⁷⁸ [והלכה כדבריו]. so *HG.* (comp. n. 180).

¹⁷⁹ למידין.

¹⁸⁰ במקום הרב is an ignorant gloss of an ignorant copyist who read wrongly תלמוד and hence added במקום הרב! read תלמוד (so also *HG.*). Baba batra 130 b: ... מפי תלמוד לא מפי תלמוד, see Aruch, *s. v.* תלמוד.

¹⁸¹ So *HG.*, but in S. an omission by mistake until ועוד (= 'אי נמי') כשממנן אפטרופוס ...

¹⁸² למיזבא.

¹⁸³ Read מחיבב, in *HG.* מחיבב נמי חייבין, ed. Berlin: אף לחוב מחיבבין אותן. S. לחו.

¹⁸⁴ [גובה].

¹⁸⁵ [שלא].

¹⁸⁶ האחין.

¹⁸⁷ שחלקו.

¹⁸⁸ [ושפחתו, ושפחתו].

¹⁸⁹ במישהתא.

¹⁹⁰ S., *l. c.*, *HG.*, ed. Berlin, 399 (Baba mesi'a 110 b).

¹⁹¹ S. שלפחות, read שלגבות.

¹⁹² דאשבת.

¹⁹³ Both according to S., instead of שב הבכור read שם = שיים.

¹⁹⁴ Read שיים, S. שמין.

¹⁹⁵ According to *HG.*, 106 d (ed. B., 437); S. 46: סדר נחלות כך הוא בן קורם.

¹⁹⁶ Traces of a line; about eleven lines wanting.

THE RUPTURE BETWEEN ALEXANDER JANNAI AND THE PHARISEES

BY ISRAEL FRIEDLAENDER, Jewish Theological Seminary
of America.

THE famous incident over the festival board which led to the open rupture between the Pharisees and the Hasmonean ruler is referred by Josephus¹ to John Hyrcan, by the Talmud² to Alexander Jannai. The consensus of opinion among modern scholars, both Jewish and Christian,³ follows Josephus. Derenbourg⁴ goes even so far as to suggest that the Talmud itself has John Hyrcan in mind, whom it designates through an inaccuracy occurring elsewhere in Talmudic literature as Jannai. This supposition, however, is entirely inadmissible. For not only is it contradicted by the royal title which is affixed to Jannai's name⁵ and forms the climax of the whole incident,⁶ but also by the whole background of the Talmudic account which, as will

¹ *Ant.*, XIII, 10, 5-6.

² b. Kiddushin 66 a. The variants of Codex Munich (phototypic edition by Strack) are of no considerable importance. Some of them will be noticed below.

³ It will suffice to mention among the former Grätz (*Geschichte*, III⁴, 114) and Weiss (דור דור ודורשיו, I, 126), and among the latter Wellhausen (*Israelitische und jüdische Geschichte*³, 290) and Schürer (I, 271 f.).

⁴ *Essai sur l'histoire et la géographie de la Palestine*, 79 f. Grätz's remark (*Geschichte*, III, 653, l. 7 from below) seems to imply a similar view, but his words are not quite clear.

⁵ ינאי המלך, repeatedly in the Talmudic passage.

⁶ רב לך כתר מלכות.

presently be shown, clearly points to the reign of Jannai. The Talmudic narrative is unmistakably a different version of the story told by Josephus and disagrees with the latter not only in the names of the heroes but also in the fundamental character of the incident.

When we examine these two versions in the light of the general historical situation, we shall find, so it seems to me, that we have every reason to give the Talmudic account the preference over that of Josephus. For Josephus's version is in strange contradiction with his own enthusiastic estimate of John Hyrcan. Had John's disagreement with the Pharisees, who, to quote Josephus,⁷ 'have so great a power over the multitude that when they say anything against the king, or against the high priest, they are presently believed', assumed that intensity which is presupposed in the story, his reign would have scarcely ended as peacefully and happily, as Josephus is careful to point out, contrasting Hyrcan's fate with the unhappy lot of his successors.⁸ Nor could possibly such a fact be reconciled with the popular admiration for Hyrcan which is voiced both by Josephus and the Talmud,⁹ and which goes so far as to attribute to him the gift of prophecy manifesting itself at the end of his reign.¹⁰ The whole story points clearly to the unfortunate conditions as they existed in the time of Jannai and, when looked at in this light, the Talmudic account, though curtailed in some parts, receives its proper historical setting such as we would seek in vain in the version of Josephus.

Alexander Jannai had returned in triumph from his numerous military exploits, having, as the legend none too

⁷ *Ant.*, XIII, 10, 5.

⁸ *loc. cit.*, XIII, 10, 7.

⁹ For the Talmudic data comp. Drenbourg, *loc. cit.*, 70 ff., and Weiss, *loc. cit.*, 116 ff.

¹⁰ *Ant.*, XIII, 10, 3, and b. *Soṭah* 33 a.

exaggeratedly puts it, conquered sixty cities in the desert.¹¹ The Pharisees, and with them the people, had for many years been smarting under the shameful incongruity between the wild character of Jannai and the sacred office he occupied. It seemed a terrible indignity to them that this worldly monarch and rude warrior, who gloried in the royal title which Jewish tradition had reverently set apart for the ideal Messianic ruler of the House of David,¹² and, completely estranged from the spirit of Judaism, pursued a policy of conquest and bloodshed, should officiate as the highest religious representative of the nation. In addition to these general considerations, there was, as we learn from an incidental statement of Josephus, which has been entirely overlooked in the discussion of our subject, a widespread belief among the people that Jannai's mother had, evidently as a young girl, been taken captive by the Syrians,¹³ and that her son was, in consequence, even from the strictly legal point of view, unfit for the sacred office of high priest. Jannai, on the other hand, thought, and, to judge by his mental make-up, could not but think so, that he might be able to conciliate or at least to intimidate his Pharisaic opponents by his military achievements,

¹¹ שְׁהֵלֶךְ לְבוֹחֵלִית שְׁבַמְדָּבָר וְנִיבֵשׁ שֵׁם שְׁשִׁים עָרִים. This evidently refers to Jannai's trans-Jordanic campaigns. The number would be an inadmissible exaggeration in the case of Hyrcan.

¹² Comp. Grätz, III, 653 f. The resentment of the people would be still more justified if Strabo's statement were correct, that the royal title was first assumed by Jannai (Grätz, *ibid.*). In any event, he was the first titular king of any importance, for Aristobulus who, according to Josephus, had before him assumed that title, reigned for barely two years. It is characteristic that in Rabbinic literature Jannai figures as יְנָאִי הַמֶּלֶךְ, while his father is regularly designated as יוֹחָנָן בֶּהֱן גָּדוֹל.

¹³ *Ant.*, XIII, 14, 5: While he was being pelted with citrons, the people reviled him as the son of a captive.

and he invited them to the banquet which was to commemorate his victories.

It was evidently a grand affair. At least, the legend carefully informs us that they sat at golden tables.¹⁴ The Pharisees, we need not doubt, accepted the invitation reluctantly. A certain mischief-maker by the name of Eleazar ben Po'ira, 'frivolous, wicked, and good for nothing',¹⁵ called Jannai's attention to the thinly-veiled resentment of the Pharisees.¹⁶ To test their sentiments he suggested that Jannai, who was naturally to appear in his state robes, should, instead of the royal crown, wear the high priestly diadem on which the Divine name was inscribed, so as to emphasize his spiritual dignity before those who were prone to question it.¹⁷ This was clearly an affront intended

¹⁴ והעלו מלוחים על שולחנות של זהב. The mallows were to contrast the struggling condition of the second commonwealth in its beginnings with the present power and prosperity of the kingdom. Comp. Rashi *ad locum*.

¹⁵ לין לב רע ובליעל (Cod. Munich omits לב, which is probably a dittography of לין, unless we read לב רע). Josephus's description of Eleazar as 'a man of ill temper and delighting in seditious practices' (*Ant.*, XIII, 10, 5) is in substantial agreement with that of the Talmud, and only fits the rôle of intriguer which is assigned to him in the Talmudic version, but not the part ascribed to him by Josephus. This alone shows the secondary character of the latter's version. The omission of Judah ben Gedidiah (see note 18, in Josephus's account had evidently created a gap which had to be filled out artificially by redistributing the rôles.

¹⁶ לבם של פרושים עליך. The expression obviously refers not to their open actions but to their inner feelings.

¹⁷ הקם להם בציון שבין עיניך. The phrase is difficult. Israel Lévy (*Revue des Études Juives*, XXXV, 222, n. 1) openly confesses not to know its meaning. Grätz (III, 687) doubtfully interprets להם הקם as 'to test', without adducing any proof in support of this meaning. Rashi takes it in the sense of making them rise : תן ציון הקדש על מצחק ויעמדו על רגליהם : לפי שהשם כתוב בו והם יגלו את לבם למחות כך מהיות כהן by us.

Jannai and the Pharisees. The struggle, which had been precipitated by the mischievous insinuations of Eleazar ben Po'ira and the hasty indiscretion of Judah ben Gedidiah,²⁴ grew so intense that the Pharisaic leaders were executed.²⁵

Interpreted in this light, the Talmudic story, while legendary in detail, may well reflect an historic fact. Its divergence from Josephus may perhaps be best explained on the supposition that it reached the historian in a different version, in which the names had been garbled and the whole incident referred to Hyrcan. Josephus embodied this version in his history, and in order to harmonize it in some measure with his enthusiastic account of Hyrcan who, as he tells us, was greatly beloved by the Pharisees,²⁶ he was forced to supply a different psychological motive for the incident, by describing in a rather melodramatic fashion how Hyrcan, whose righteousness was readily conceded by the Pharisees, invited their open and unreserved criticism.

The Talmudic account is undoubtedly, as was suggested long ago,²⁷ a fragment from an old historic source.²⁸ But if the above interpretation of the Talmud passage as referring to Jannai be accepted, the ingenious conjecture of Grätz,²⁹ who identifies our source with the history of John Hyrcan referred to in 1 Macc. 16. 24, will have to be abandoned.

²⁴ This estimate of Judah's conduct is suggested by the reading of Cod. Munich וְחִיּוּצֵין (וְחִיּוּצֵין) הָרַעָה עַ"י אֶלְעָזָר בֶּן פּוּעִירָה וְעַ"י יְהוּדָה (ed. וְחִיּוּצֵין). R. Nissim, *Mafteah* to *Berakot* 48a, in a quotation of this sentence to which Professor Marx directs my attention, reads similarly שֶׁנִּתְגַּלְגַּלָּה הָרַעָה עַ"י אֶלְעָזָר בֶּן פּוּעִירָה וְעַ"י יְהוּדָה בֶּן גִּדְיָה.

²⁵ Grätz (III, 688) is bound to admit that this can only apply to Jannai.

²⁶ *Ant.*, XIII, 10, 5.

²⁷ Grätz, III, 82; Israel Lévy (*Revue des Études Juives*, loc. cit.).

²⁸ It is introduced in the Talmud as a Baraita.

²⁹ III, 82.

REPLY TO DR. BÜCHLER'S REVIEW OF SCHECHTER'S 'JEWISH SECTARIES'

THE find of Professor Israel Lévi, to which I referred in my Announcement in the JEWISH QUARTERLY REVIEW, New Series, III, p. 485, was published in the January (1913) number of the *Revue des Études Juives*, and being admitted by the editor himself that it forms no part of the 'Fragments of a Zadokite Work', it need not be discussed in these pages. Personally, I think that the find represents a remainder of a liturgical piece of the well-known type of the Piyut of a later period. In no case has it any bearing upon the 'Zadokite' problem. I am, therefore, at liberty to offer to the readers of the QUARTERLY, in the following pages, the reply to Dr. Büchler's review of Schechter's 'Jewish Sectaries', which I promised in the announcement just mentioned, but which has been postponed on account of indisposition and absence from home.

Dr. Büchler's article, covering fifty-five pages, is written in the well-known manner of this author, which need not be discussed here. Only in one respect did Dr. Büchler deviate in this article from his usual style. For, while in his other writings he never allows the reader to see what he is aiming at until he has reached the end, he has seen fit in this article to place the results of his inquiries at the opening of his discussion, thus 'assertion taking the place of argument'. This proves that in this case Dr. Büchler had a cause to defend, a thesis to demonstrate, which made it impossible for him to study the subject in a calm and unprejudiced spirit, and to see its proper relations to facts and to the cognate literature.

I do not intend to follow Dr. Büchler in all the winding

labyrinth of his article, which would mean to reproduce here the entire contents of his fifty-five pages, in addition to another fifty-five pages or more of refutation. I am not blessed with so much loquacity as is displayed in so many reviews of this, my last publication, which only assume the virtue of briefness when acknowledgement should be made of the exploitation of my Introduction, notes, and translation. I shall prefer to deal with the main points of his Essay, and the student will readily find that the rest is in need of no reply.

Dr. Büchler opens his attack by contesting my identification of the Fragment with the Zadok book, mentioned by the Karaites, Kirkisani and Sahl ben Mazliah. It will be convenient to deal with Sahl first. I cited Sahl as one of the witnesses to the existence of a Zadok book. Dr. Büchler raises the objection that Sahl maintained that there were prominent in the 'Sadduk's book several (laws) about sacrifices; our Fragment gives no reference to such' (*BR.*,¹ 432). I must first point out that Dr. Büchler omits to mention that this difficulty did not escape me; but, what is worse, is that he ignored the way in which I tried to meet it. For it was in particular with a view to this statement of Sahl that I declared that our Text must 'be defined as containing extracts from a Zadok book, representing features contained in the copies of these authorities, but, as it forms only extracts, these features may be entirely eliminated' (*S.*, xxi; cp. also p. x). Indeed, a MS. which is defective both at the beginning, the middle, and the end, and is also otherwise full of gaps and *lacunae*, and the scribe of which, as a thorough study of the Text shows, must be looked upon rather as a compiler and condenser than as a copyist, cannot be expected to furnish us with all the quotations given from it by one writer or another. We have rather to be grateful that in this process of condensation and compilation, executed in a very haphazard manner, and by a man who was not able to read his text, the

¹ For the sake of brevity, I use this abbreviation for 'Büchler's Review', see *JQR.*, New Series, III, pp. 429-85. My Introduction and Translation are given as *S.*, whilst the references to the Hebrew text will be *T.*

original features of its authorities were not entirely obliterated, leaving, at least, some indelible traces leading back to its sources. When Dr. Büchler says further, 'considering that it (the Fragment) deals exclusively with the colony in Damascus, no space was devoted in it to differences between Sadducees and Pharisees on sacrifices' (*BR.*, 432), he makes a wanton statement, as no man can say what our Manuscript, and much less the original of our copyist or compiler, may have contained. The fact that he has laws about the altar (*T.*, 11, l. 18 seq.) suggests that the subject of sacrifices was not alien to him, and may have had a place anywhere in the original or even in the parts now missing. Nor is it true that even in its present state the Fragment deals exclusively with the Colony in Damascus. In this dogmatic assertion, Dr. Büchler only anticipates his own results regarding the late date of the document and the assumption that the references to sacrifices and the Temple are mere inventions. He fails to see that these are just the points at issue.

We come now to Kirkisani (fl. about 937), whose acquaintance with the history of Jewish Sects was a very wide one. In his references to a book of Zadok, he describes it as frequently denouncing the Rabbanites and criticizing them, but adduces no proof for anything he said, except for one thing, namely, the prohibition against marrying the daughter of one's brother and the daughter of one's sister. The proof Zadok adduced there is of their being analogous to the paternal and maternal aunt (*S.*, xviii). I then argued that this description of Zadok well fits in with our text, which in its Haggadah is largely polemical, while in its Halakah forms little else than mere statement. Now, against this, Dr. Büchler says:

'Our Fragment, it is true, contains strong abuse against nameless opponents, but objects only to three expressly enumerated sins. No method of interpretation, no way of deducing new rules, no extension of the law is referred to at all, and our book does in no way look or pretend to be a *general* attack of a Zadokite on the basis and development of Rabbinic law' (*BR.*, 431).

These words of Dr. Büchler show how utterly he failed to grasp the nature of the Fragment and the class of literature to which it belongs. He expects from it 'references to methods of interpretation, ways of deducing new rules'. He is probably thinking of such models as we know them from the polemics between the Karaites and Rabbanites. But the ancients did not indulge in learned dissertations. Their ways of controversy, as we are familiar with, for instance, from the Psalter of Solomon, the New Testament, the Book of Jubilees, &c., were general denunciations, wholesale accusations and indiscriminate abuse, often forming a paraphrase of certain verses in the Bible, and revealed to them by some ancient or prophetic hero of olden days, or dictated to them by their own imagining, which arrogates to itself the gift of prophecy. In the place of such authority, general charges and imputations and emphatic statements take the place of learned argument and scholastic proof. This is also the general feature of our Fragment, which feature alone at once precludes the possibility of assigning it to the age and species of literature in which Dr. Büchler tries to place it. Perhaps I may here in passing draw particular attention to the close parallel of our Fragment, *T.*, 6, ll. 15-18, to Ezekiel, the favourite prophet of the Sect, ch. 22. 26-30, and ch. 23. 38. I hope to deal with this fact more fully at another occasion.

Nor is it true that the author of our Fragment only objects to the three especially enumerated sins. These are the cardinal sins of which he accuses his opponents. But he further abuses them as the 'Children of Destruction', and implies the accusation of their committing sacrilege, of robbing the poor and the widows, or murdering the fatherless, of not distinguishing between the clean and unclean, of not observing the Sabbath and the feasts according to the interpretation, &c. (*T.*, 6, ll. 15-20). Similar accusations we have in another place (*T.*, 8, ll. 5-10), where they are further described as wallowing in the way of harlots and in the wealth of wickedness, and bearing grudge against a brother, hatred against a neighbour, and so forth.

Now, Dr. Büchler admits (*BR.*, 432) that the portion of the

law covering pp. 9-16 merely 'enumerate and give, besides frequent references to the Torah, no arguments', but he maintains that he finds that the law regarding prohibition of polygamy and divorce *does* adduce a proof derived from the Bible (*T.*, 4, l. 20, and 5, l. 6). This objection means nothing, for, apart from the fact that this is a mere citation from the Scriptures, I have explained sufficiently that in this point the Karaites differed as much from our Sect as the Rabbanites, whilst Kirkisani in this place only speaks in criticism of the Rabbanites (*S.*, xix, note 22). It was only in this criticism in which he was concerned. Dr. Büchler, in a note to p. 432, says it was not convincing. To me it seems that this is convincing enough, as certainly Kirkisani had no interest in drawing special attention or even giving sufficient heed to laws to which he objected himself, and mark the words of his opponent as a proof.

For the sake of brevity, and clearness, it would be well to pursue further Dr. Büchler's remarks on the same law (of prohibiting the marriage with a niece), which I held, as just indicated, to be one of the proofs for identifying the Fragment with the Zadokite book of Kirkisani. The remarks (*BR.*, 437-42) are very diffuse, but the drift of Dr. Büchler's argument may be summed up as follows: After reproducing in full all the material on the subject collected in an article by Dr. Poznański, to which I have referred in my notes (*S.*, xxxvii, note 21), Dr. Büchler proceeds to show that no such prohibition could have been known before the times of Anan, since we have evidence that Rabbis of the first century 'whom Geiger considered true representatives of the old Halakah (which according to Geiger was identical with or greatly influenced by that of the Sadducees) not only taught but also acted against the prohibition of marrying one's niece' (*BR.*, 438). 'Consequently, this cannot have been the occasion for its attack. All these considerations and facts clearly show that there is no proof for the assumption that the Sadducees of the first century prohibited marriage with a niece' (*BR.*, 440). This Dr. Büchler takes as proof against the authenticity of the Fragment. The display of quotations by Dr. Büchler

in this place is very imposing, but when examined a little closer his argument entirely melts away. For, apart from the fact that Geiger's hypothesis, brilliant as it was on the whole, was, as every real scholar knows, very undeveloped in its details, and that this assumption of Geiger with regard to the relation of certain early authorities of the first century to the Sadducean teaching is one of its weakest points, Dr. Büchler's argument is altogether irrelevant, as I have distinctly declared myself against the identification of the Zadokites with the Sadducees. My words were :

‘The term Zadokite naturally suggests the Sadducees ; but the present state of knowledge of the latter's doctrines and practices does not offer enough points of resemblance to justify the identification of them with our Sect’ (*S.*, xxi).

This was my reason for accepting the title ‘Zadokite’, not ‘Sadducee’, which was certainly more familiar and very tempting. In the best case, as I believe the Zadokites can only be looked upon as a sub-species of the Sadducees, there having been all sorts of Sadducees as there are, for instance, all sorts of Protestants, all opposed to the Catholic Church, but differing from each other in more or less important points of doctrine and practice. But Dr. Büchler also blunders. For apparently he does not understand his main quotation from the Talmud on which he built so much. I am referring to the historical passage in *Yebamot* 15 b, regarding the testimony of Rabbi Joshua b. Ḥanania, that there were two great families in Jerusalem which were בני צרות, but could also boast of high priests who officiated on the altar. Dr. Büchler now argues : ‘If the Sadducee priests had considered such a marriage illegal, they would certainly have eliminated the family from the Temple’ (*BR.*, 439). Dr. Büchler evidently assumes that בני צרות means the descendants from the first husbands of the צרות who married their nieces. This is a bad blunder. What it really means is that the צרות acted in accordance with the teaching of the School of Hillel, and thus married a second time as widows, not the יבם, but other members of

the community, from whom they had children (see Rashi to the passage in the Talmud *שנשא לשיק כב"ה*). The descendants of these *צרות* had accordingly no relationship whatever to the man who married a niece. The whole argument of Dr. Büchler is thus based on a misconception of the Talmudical passage. Perhaps I may point out here that, in spite of the silence of the Rabbinic sources as to any opposition to a marriage with a niece, there can be little doubt that the objection to it dated from a very early period. This is suggested by the fact that the Book of Jubilees in recording the progress of mankind in discontinuing marrying their sisters, tells us that Mahalalel took unto him to wife Dinah, the daughter of Barakiel, the daughter of his father's brother (according to another reading she was the daughter of his father's sister; cf. *ibid.*, 4. 15; 8. 6 and 11. 7, text and notes). Now, if the Book of Jubilees had held the marriage of a niece permissible, this would have been the natural first step after leaving off marrying sisters, and there would have been no need to skip over to cousins. Our Fragment, accordingly, followed the authority of the Book of Jubilees also in this respect. (Prof. S. Kraus, in *Studies in Jewish Literature issued in honour of Prof. Kaufmann Kohler*, p. 165 seq., has collected a good deal of material bearing on the question.)

The second of these laws of which Dr. Büchler treats (*BR.*, 433) is that regarding the prohibition of divorce by Zadok. Now, I interpreted lines 20 and 21 on p. 4 and line 1 on p. 5 of the Text as containing a prohibition against divorce, which served me as another proof for establishing the identity of our Fragment with Kirkisani's Book of Zadok. It is true that at first glance it looks only like a law forbidding polygamy, but one who examines this passage a little closer and puts the right emphasis on the word *בהייהם* sees at once that our author meant to forbid the man to marry a wife as long as the other was still alive. To forbid divorce directly he could not well do, as the Torah is his sole authority, but by forbidding the husband to contract a second marriage as long as the first wife is alive, he practically abolishes divorce. And I was the more justified in this conclusion as

the proof adduced by our Fragment is the same as in the New Testament, Matt. 19. 3 (in accordance with which numerals the reference to Matt. in note 5, p. xxxvi, should be corrected), which distinctly prohibits divorce. And this probability is raised to a certainty by the parallel remark in Mark 10. 6, where we have the words 'from the beginning of the creation', ἀπὸ δὲ ἀρχῆς κτίσεως, closely corresponding to our ויסוד הבריאה. When Dr. Büchler exclaims 'I am unable to see where the author prohibited or even thought to limit divorce, he exclusively deals with polygamy and re-marriage after divorce without suggesting anything against divorce itself' (*BR.*, 433), he fails to see that our Zadokite who professed to be a strict follower of the Law of Moses was not in a position to forbid divorce against the distinct law in Deut. 24. 1 ff., but he could well make divorce invalid on the ground of polygamy, and thus entirely ineffectual. Kirkisani, however, saw the consequence and recognized in it the affinity with Christianity. I may point out in passing that Dr. Büchler was probably mistaken in ascribing to Sahl b. Mazliah the prohibition of polygamy. If he will carefully read up the references in Poznański he will see that Sahl only speaks of the Levirate marriage which practically all Karaites forbid (*RÉJ.*, XLV, p. 62). As to Tobiah (in his *Lekach Tob*), to whom I referred in a note (*S.*, xvii, note 16), I have little doubt that he must have heard something about the Zadokite book which forbids divorce on account of polygamy, but did not quite understand the significance of it.

Next to this comes the law of the Zadokites regarding the Calendar, of whom Kirkisani maintained that 'they also fixed all the months at thirty days each. Again, they excluded the day of the Sabbath from the sum of the days besides the Sabbath; in the same way also with the Feast of the Tabernacles'. Now, I assumed on the authority of *T.*, lines 13-16 on page 3 and lines 2, 3, and 4 on page 16, that our Fragment accepted the calendar of the Book of Jubilees. The latter reads: 'As to the explanation of their ends for a remembrance to Israel of all these, behold it is exactly explained in the Book of the Divisions of the seasons

according to their jubilees and to their weeks' (see *T.*, 16, ll. 2, 3, and 4, and *S.*, lv and lvi; see also xix and xx). The passage contains one or two words which are obscure; probably corrupt. There is apparently a gap before the beginning of the passage as well as at the end (after the word *ובשבועותיהם* in *T.*, 16, l. 4), as what follows has no connexion with the preceding matter. But the reference to the Book of Jubilees is distinct enough and subject to no doubt. It is for him the authority apparently next to the Law of Moses of which he spoke in l. 2. But the main burden of the Book of Jubilees is the calendar or 'the division of the seasons according to jubilees and their weeks', and it follows logically that he accepted this division. Or does Dr. Büchler think that the author of our Fragment referred to it just because he did *not* agree with him in the main thesis? Moreover, everybody who studies the Fragment carefully will find that the strict observance of Sabbath and the Festivals and the Fast (Day of Atonement) is one of the most important laws with which the Sect was concerned, and he especially insists on the importance of making known between the holy and the profane (*T.*, 6, lines 17 and 18). Now if the Sect represented by our Fragment differed with the Book of Jubilees in the fixing of the calendar, the author of the latter work committed no less a deadly sin than desecrating the festivals and confusing the holy with the profane. The Book of Jubilees in that case would have been to him an heretical abomination, representing a congregation of sinners worse than the opponents whom he attacked so often in the course of his accusations. Would he, then, in that case, not have declared the whole Book of Jubilees as untrustworthy and opposed to the Law of Moses and to all other holy writings, instead of declaring it authoritative and referring to it so often directly and indirectly? As regards *T.*, 3, ll. 13-16, they run: 'But with them that held fast to the commandments of God, who were left among them, God confirmed His covenant with Israel for ever, revealing unto them the hidden things in which all Israel erred: His Holy Sabbaths and His glorious Festivals, the testimony of His righteousness and the ways of His

truth and the desires of His will, which a man shall do and live by them'. (See *S.*, xxxiv.) I declared the passage to be a mere paraphrase of the Book of Jubilees, 6. 34, which proclaims a different calendar. To this Dr. Büchler replies :

'In fact, however, the two passages differ materially. While Jubilees enumerates years, months, seasons, and concludes by repeating the order of years, fixing the attention on the calendar, our book mentions Sabbaths and Festivals, nothing else. But the Sabbath does in no way depend on the arrangement of the calendar ; consequently, the point of view is different' (*BR.*, 436).

Now the Sabbath difficulty was, no doubt, suggested to Dr. Büchler by my note to the text (*S.*, xxxiv, n. 2), where I dealt with the matter. But if Dr. Büchler had carefully studied the Book of Jubilees, he would have seen that just this fact of mentioning the Sabbath together with the Festivals is an additional proof of our Fragment's dependence on the former. For the Book of Jubilees hardly even touches upon the calendar question without bringing in the Sabbath at the same time. Cf. 1. 10, 14 ; 4. 18 ; 6. 37-8 ; 23. 19. It is then clear that our Fragment was simply copying from the Book of Jubilees, and the point of view is the same. This absolute dependence of the Fragment on and the identity of the point of view with the Book of Jubilees would have become even more clear to Dr. Büchler if he had taken the trouble to read carefully the whole of page 3 of the former, and the whole of Chapter 6 of the latter. The text of the Fragment is corrupt enough, and probably there are words, if not whole lines wanting in it. But we can see his accusation of the sons of Noah. The accusation is the sin of eating blood (see *T.*, 3, lines 1 and 6, and *S.*, xxxiii, note 1). He also refers to the guilt of those who came first into the Covenant (line 10). Then he passes suddenly to the special covenant with Israel (line 13), and from this to the observance of the Sabbath and Festivals in which the rest of Israel have gone wrong. This is nothing else but a condensed extract of Chapter 6 of the Book of Jubilees, treating also of the sin of eating blood (verses 7 and 18), the relapse of the son

of Noah, with whom the first covenant was made, not to eat blood (verses 18 and 19), and then drifting into the calendar question (verses 22-38), finishing up the chapter with the words :

‘And for this reason I command and testify to thee that thou mayest testify to them; for after thy death thy children will disturb (them), so that they will not make the year three hundred and sixty-four days only, and for this reason they will go wrong as to the new moons and seasons and Sabbaths and festivals, and they will eat all kinds of blood with all kinds of flesh’ (verse 38).

Seeing the close correspondence between the two works we may readily assume that some such word as חורש or חרשו is missing before the word שבתות in *T.*, 3, l. 14, and so it probably was also mentioned in *T.*, 6, l. 18. It is also possible that with the tendency of the copyist to condense and to shorten in his careless manner, he thought it sufficient to indicate in a general way the existence of serious differences in the calendar between his Sect and the rest of Israel, but omitted details as known from the Book of Jubilees or relegated them to the Halakic part just as he did with the laws relating to the Sabbath (see *S.*, xx). That he addressed himself to a minority dissenting from the bulk of the nation with regard to the Calendar is further seen from the expression אשר נותרו מהם, *T.*, 3, l. 13, ‘who were left among them’, that is the remnant maintaining the patriarchal tradition as in the Book of Jubilees. What further Dr. Büchler has on the same page is chiefly based on the confusion of the Sadducees with our Zadokites, against which I distinctly warned the reader, and about which I have spoken before.

Dr. Büchler then deals with other Sectarian laws in the Zadokite fragment (*BR.*, 442-9), which of course, as he thinks, proves his case. The first of these laws is regarding the fish, which, according to our Fragment must not ‘be eaten unless they were split alive and their blood was shed’ (*T.*, 12, ll. 13, 14). This seems to contain two laws: the one is that fish are subjected to a kind of שחיטה (which is strongly suggested by the insistence

on חיים), the other, that of prohibiting their blood (*Z.*, 12, l. 13). The Book of Jubilees offers no parallel to these laws. Verses 6 and 7 of chap. 6 in the Book of Jubilees (corresponding to Genesis, chap. 9, verses 2 and 4) might easily include also fish, but they are not mentioned in the specifications of verse 12, nor in those of chap. 7, verse 30, nor in those of chap. 21, verse 6. But it is worth noting that the law in chap. 7, verse 30, does not agree with the regular traditional explanation which excludes the blood of domesticated animals (בהמות), from the duty of כיסוי. As regards the שחיטה and כיסוי question in the case of fish, we must assume that this is one of the cases in which the Book of Jubilees of our Sect differed from that which has come down to us, a fact which I have pointed out on other grounds in my Introduction, p. xxix. This meets sufficiently Dr. Büchler's objection with regard to the Book of Jubilees, but he has also another argument based on a quotation from the Pirke d' R. Eliezer. It is that this work prescribed it as a duty to pour out the blood of fish. Dr. Büchler then argues:

'Considering the character and the late origin of the book, the Pirke d' R. Eliezer, it is highly probable that, as in many other cases, it includes a custom or rule which was in vogue in the place of its composition. The custom may have existed for several centuries before its inclusion in the Pirke; but it is a strange coincidence that its appearance here should point to the same period as its occurrence in Karaite and Samaritan law and as in the Zadokite fragment. All proves that the latter originated in the seventh or eighth century' (*BR.*, 443).

Now, it would not prove anything against the antiquity of our Fragment even if the Pirke d' R. Eliezer had this law. The fact that a usage occurs in a book dating from a certain century does not imply that it was unknown before; and the occurrence only becomes strange because Dr. Büchler wants to make it so. And the further circumstance that the book happens to be the semi-apocryphal Pirke d' R. Eliezer, only shows the sectarian character of this usage. Prof. Israel Lévi, who was the first to draw

attention to this passage in the Pirke, did not derive from it the same conclusion as does Dr. Büchler. But the fact is that Dr. Büchler has mistaken the sense of the Pirke. The words in the Pirke: **אלו שנבראו מן המים דמן נשפך כמים** mean simply that the blood of fish is not subject to the law of **כיסוי** (cf. the phrase **נשפך כמים**, *Hullin* 84 a) in contrast to the animals **שנבראו מן הארץ דמן לנכות בעפר**. If the Pirke is in any way reminiscent here of anti-traditional law, it is to be sought in this second clause, including, as it does, also **בהמה**, and thus agrees with the Book of Jubilees, 7. 30, a law which is also otherwise known from an heretical argument which the rabbis took the trouble to refute (see *Sifre* 89 b, *Hullin* 84 a; cf. Singer, p. 199; cf. also Luria's emendation of the text in this place, for which there is no real need. See also *Pesikta Rabbathi*, ed. Friedmann, p. 61 a and notes). Of course, the words **אלו שנבראו מן המים** must not be pressed too far, referring only to **דגים וחגבים**, but excluding **עוף**. In no case had this passage of the Pirke any bearing upon the question of the prohibition of blood of fish, or of **חגבים**. Of more importance is his reference to the well-known passage of the interpretation of Jacob of Kefar Nibburaya (of the fourth century), according to which fish are subject to the law of the **שחיטה**. The reference to this passage was only omitted by an oversight in my commentary, as I find I had a reference to it in my MS. notes. All it proves is that such an anti-traditional interpretation was already known in the fourth century (see Dr. Israel Léwy (Seminarrabbiner in Breslau) in *Hammaggid*, 1870, pp. 245-53). This sectarian, however, certainly did not invent this interpretation, but merely accepted it from the teaching of an old Sect with which he became acquainted.

Next comes the law regarding **נדה** of which Dr. Büchler says that it seems to 'point to much earlier times' (*BR.*, 445), but somehow manages to arrive at the very opposite result. The opponents of the Sect are accused that they 'contaminate the Sanctuary (**המקדש**) as they separate not according to law and lie with her who sees the blood of her issue' (*T.*, 5, ll. 6 and 7). As no amount of research could, as far as I saw, determine the

exact nature of the transgression, I considered it sufficient to give a reference to the chapter by Wreschner (*S.*, xxxvi, n. 15) on the subject. There the differences between the Samaritans, the Sadducees, and the later Karaites on the one hand, and the Pharisees on the other hand, regarding the colour of the **דמים** or the counting, are pointed out, all of which involve in the end a contamination of the Sanctuary. Dr. Büchler failed to discover a difference not mentioned by Wreschner, but this did not prevent him from reproducing the passages referred to by this author in addition to a few other Rabbinic passages known to everybody who has ever read anything on the Sadducee problem, but which shed no fresh light on the words of our Fragment. But after this display of learning Dr. Büchler says: The express reference to the Temple (**המקדש**), p. 5, l. 6, seems to support that date, and to prove the book as having been composed before the year 70 (*BR.*, 447). This, however, is not satisfactory to Dr. Büchler, and he proceeds to say:

‘On the other hand, we know that not only Samaritans and Jews in the twelfth century differed on the same point, but also the Karaites of the same time. As Saadya attacked the Karaites on this point, it is very probable that Anan had already adopted and taught the Sadducee view; and as Kirkisani, when dealing with the matter, does not refer to the Book of Sadduk, this source probably contained nothing about it. As **מקדש** can mean the Synagogue to which, according to Anan, the same laws of purity apply as to the court of the Temple, there is no argument or proof against the conclusion derived from the consideration of other legal points that the Zadokite fragment was composed shortly before the time of Anan’ (*BR.*, 447).

This is quite in keeping with the manner of Dr. Büchler’s argument. First Kirkisani’s silence serves him as an argument, as if there were the least indication that this Karaite author intended to write a dissertation on the differences between the Zadokites and the Rabbanites. He put on record the existence of the Sect as opposed to the Rabbanites, and gave certain striking

illustrations of their teachings which he deemed sufficient for this purpose. Then Dr. Büchler remembers that Anan interprets מקדש to mean a synagogue, and as it *can* bear this interpretation with the Karaites it *does* stand in our Fragment for a place of worship, and thinks his case proved. But as a fact, מקדש in the Fragment, at least where mention is also made of the altar, can, as in the Bible, only mean a sanctuary, with an altar and sacrifice, not a synagogue. Even the Karaites and certain Rabbanites (see Horowitz, *הוספתא עתיקתא*, IV. 10. 52, 56, and V. 26, 33, where the whole of the literature bearing on the subject is given), who in their desire to have certain laws regarding Levitical purity or tithes and reverential behaviour extended also to the Synagogue, have occasionally explained מקדש to mean this institution, never speak of it as the מקדש without any further specification. All they say is that מקדש should include also the place of worship of the Diaspora, but they never call it מקדש, whilst our Fragment speaks simply of a מקדש without any further definition, and hence it can only mean a sanctuary which has also an altar and sacrifices.

Perhaps it may in this connexion be remarked that it is not impossible that the differences alluded to by our Fragment relate to the question of דם טוהר, which, according to Geiger (*קבוצת מאמרים*, Berlin, 1877, p. 163), formed an ancient difference between the Sadducees and the Samaritans on the one hand, and the Pharisees on the other. The controversy turned, according to Geiger, about the words ברמי טהרה, which the opponents of the Pharisees read with a *Mappik*, but of which it is clear that the Book of Jubilees (3. 10) had the same reading (see Rönsch, *Das Buch der Jubiläen*, p. 515). Considering the close connexion of the Fragment with the Book of Jubilees, it was more likely that it was this difference which he had in view in his accusation of the opponents of his Sect. I must state, however, that this hypothesis of Geiger is still a contested point (see D. Hoffmann, *Das Buch Leviticus*, I, p. 360).

The other law relating to Levitical Purity, with which Dr. Büchler deals, is one connected with טומאת מת (see *T.*, 12, ll. 15, 16, 17; and *BR.*, 448 and 449). His remarks sound very

learned, the Doctor indulging in geographical limitations, speaking of 'the Halakic Midrash by Rabbis of the school of Jamnia and Lydda' and questioning their early origin (see *BR.*, 449). As far as I know, it is generally supposed that such Midrashim invented no new laws, and only endeavoured to find a basis in the Scriptures for Halakhas current long before their period as mere traditions. However, be this as it may, there is no doubt that Dr. Büchler is so much occupied with what looks like the higher criticism of the Talmud that he has no eye for the plain meaning of our passage. The real difference between the *Halakah* as taught by our Fragment and that by other Schools, is not the question of degrees of טומאה, but of טומאת אהל, which, according to the latter, attaches itself only to a movable tent made of certain stuffs (see Maimonides, *Hilkot Tum'at Met*, 5. 12, and authorities given there in the commentaries), whilst, according to the former (the Fragment), it extends also to a regular house made up of stones, beams (of wood) and clay, as in the case of טומאת צרעת, in which the עצים ואבנים והעפר (*T.*, 12, ll. 15, 16; cf. Lev. 14. 45) all become unclean. The question of the interpretation of this law is discussed at length by Hadasi in his *Eshkol*, *Alphabetica*, 290 (which was, however, not accepted by the later Karaites; see Mibḥar to Num. 19. 14). This, however, does not preclude the possibility that some ancient sect interpreted the law of טומאת אהל in a similar way.

The next three pages (*BR.*, 449-52) of Dr. Büchler's article are taken up with the argument to prove that our Fragment is 'not Dosithean'. Considering the contradictory and confusing nature of the Dosithean documents, it is very easy to 'pick holes' into any argument attempting to identify this Sect with any other of the constitutions and laws of which we happen to have some more distinct information. But, as a fact, I have never tried to identify it. What I have said is that, 'contradictory as these documents may be in other respects, they offer the one or the other traces of the characteristics of our Sect which suggest, if not an identity with, at least the descent from our Sect which should be noted here' (*S.*, xxii). And these traces will be clear to any

one in spite of all attempts to obliterate them. The Zadokite claims are the same with both Sects. The Solar Calendar is a feature of our Fragment in spite of everything said to the contrary. Certain marriage laws agree again in the main with the more strict Dosithean ones, which is also the case with regard to the Sabbath laws. If they do not agree in every particular and offer no more than reminiscences suggestive of identity, it is to be ascribed to the defective state of our MS., on the one hand, and the lack of accurate information and absolute ignorance of Jewish law and Jewish doctrine on the part of those who wrote about the Dositheans on the other hand.

Another objection of Dr. Büchler is that the Sabbath laws in our Fragment, if derived from the Book of Jubilees 'would naturally have been arranged in the same or a similar order as Jubilees have them' (*BR.*, 451), as well as his other objection that a certain law is missing from our Fragment, are entirely removed by the consideration of the peculiar, defective, confused character of our Fragment pointed out above, which we need not repeat here. On the other hand, it should be observed that the Book of Jubilees itself has two sets of Sabbath laws, the one in the second and the other in the fiftieth chapter, which are far from agreeing, either in the order of their laws or in their contents. The one in chap. 50 looks more like a supplement and suggests that the author had two versions of the Sabbath laws, both of which he incorporated in his work. It is thus not impossible that our Fragment had a third version which he followed in his composition. Perhaps we may dispose here in this connexion of Dr. Büchler's note 66 to p. 452. In this, Dr. Büchler insists that the word בלבונה (*BR.*, 11, l. 4) does not mean incense, but 'powder of a pounded brick', his authority being the words עפר לבנתא in *Tractate Shabbat* 50 b. If Dr. Büchler had looked up the Aruk (Kohut), he would have seen that the more ancient commentators, like R. Ḥananeel, explained those very words to mean incense (cf. also Aruk, and Dr. Kohut's note to it—the same edition under the root עפר), and it is clear from the context in the Talmud there that this

is the true interpretation against the other commentaries. The other remarks by Dr. Büchler in the same note that this law refers only to Sabbath, is, to say the least, arbitrary. We have a good parallel to it among the Falashas (see *S.*, xxv).

Dr. Büchler then has a paragraph 'Rabbinic Influence' (*BR.*, 452-7). This he endeavours to prove from certain laws in which our Fragment agrees with the Rabbinic Law. The reader will find that I faithfully gave the rabbinical references in almost all the cases cited by Dr. Büchler. But does this prove that the Sect accepted these laws from the Rabbis? Take the one, for instance, concerning the importance of the priest (see *S.*, ii, n. 22, and *BR.*, 453), in which our Fragment agrees with the well-known interpretation of Hillel, which only proves that this was a very old Halakah. But certainly our Sect with its special deference to priests was more likely to have inaugurated it than their opponents. The other Halakot to which Dr. Büchler refers concern mostly the organization of the Sect and its relation to the surrounding tribes, which is certainly in most particulars peculiar to the Sect, and there was no need for borrowing.

Dr. Büchler's remark about the Ban is also irrelevant. It will be noticed that our Fragment never mentions the word חרם, though it may be remarked in passing that the question of the origin and the antiquity of the Ban is by no means settled yet (see Dr. Aptowitzer's remarks on this subject in the July number (1913) of this Review, pp. 41-4). A certain correspondence of expressions in connexion with the Ban between the Karaite and the Rabbanite sources suggests that they both derived it from some older sources. But such an exclusion and separation as our Fragment suggests has precedent enough in Ezra 10. 8, whilst the words, again, that 'the saints of the Most High have cursed him' (*T.*, 20, l. 8) suggest nothing of the formula of the Ḥerem, but having described the opponents to or the backsliders of the sect as משיני נבול (*T.*, 19, ll. 15, 16; cf. *T.*, 1, l. 16, and *T.*, 5, l. 20) they naturally fall with him under the curse of ארור of Deut. 27. 17.

What Dr. Büchler says about the ספר ההנו (*BR.*, 452,

n. 68), on which he has a long note in which he tries to discover a sort of Oral Law, so as to make our Fragment agree with a certain passage in Anan, is mere talk. If the הנו is Oral Law, then it was not in a book and cannot be a ספר.

On p. 455 (BR.) Dr. Büchler has a good deal to say about the Confession in *T.*, 20, ll. 28, 29, and 30. Dr. Büchler somehow manages to correct there the text after some rabbinical formula of confession, and then exclaims: 'The author knew the confession in the Liturgy of the Jews in Talmudic times, therefore the book could not have been composed before then.' But the fact is that the MS. in this case was absolutely illegible, so it is impossible to say what the exact formula was. Indeed, Dr. Büchler fails to tell us what his authority was for his filling in the gap in the text. As it stands, we have only references to it in Lev. 26. 40, which undoubtedly has also its echo in Nehemiah.

On p. 465, Dr. Büchler speaks of the phenomenon of our Fragment that the Sect cites so much of the Prophets, and even the Hagiographa, in the interpretation of the law (Halakah). Dr. Büchler thinks that this cannot be Sadducean, and detects in it Karaitic influence. As usual with Dr. Büchler's discoveries in this Fragment, he only repeats facts in more or less paraphrastic language, to which I drew attention in my Introduction (see *S.*, xv). However, if Dr. Büchler had read Chayes's תורת נביאים, and especially Weiss's *Zur Geschichte der jüdischen Tradition*, IV, p. 76, he would have seen that this feature of illustrating Halakahs by prophetic matter is not exclusively Karaitic, and that the Rabbis employed this method to a much larger extent than generally thought by their opponents, and this was the reason that I laid no stress on the fact at all. It is even more remarkable that in the case quoted above, regarding the question whether fish are subject to the rite of slaughtering, it is the Rabbi who supports his thesis by a verse in the Hagiographa, whilst it is the heretic who protests against its use in proving legal cases. When Dr. Büchler at the end of the paragraph quotes 'The strange Derashot', on pp. 7, 14, and 21, and says that he knows no parallel to this peculiar interpretation except in Anan's writing,

I should be obliged indeed if Dr. Büchler could point out a passage in Anan which would form a parallel to such a Derashah. Moreover, if Dr. Büchler had taken the trouble to examine version B (*T.*, 19), running parallel with this page, he would have found that this whole Derashah is omitted there, and it is probably only a mere interpolation by some later scribe.

Dr. Büchler comes now to the question of 'Temple and Sacrifices'. As every reader will convince himself, he offers no argument which, in any way, needs a refutation. Having made up his mind that the Fragment is of late date, he endeavours to show that the Fragment describes conditions of a Samaritan colony somewhere in the seventh century. He is 'fully conscious of the difficulties of assigning our Fragment to a Samaritan author; the frequent reference to the Prophets is quite sufficient to exclude a Samaritan'. But he 'sees no possibility of accounting in any other way for the worship of sacrifices in the community of emigrants in Damascus' (p. 459). This confession on the part of Dr. Büchler is enough to condemn the whole theory, and needs no further comment. And when he further describes them as 'Arab Bedouins', and finds support for his theory in the fact that special warning is given to them that they should not defile themselves with creeping animals, honey, and animals living in water, and that fish and locusts require special treatment, which, according to them, clearly indicates that the settlements were in places where such animals were to be found, and were used as food (see *BR.*, 461), then we can only say that Dr. Büchler overreaches himself here, sinking to the lowest depths of the higher criticism. Does not Dr. Büchler believe that the Halakot relating to these very cases scattered over the tractates *Hullin*, *Bekorot*, *Keritot*, *Okezin*, and elsewhere testified to their Bedouin origin? We may say the same thing about the matter following in the next two pages, which offer nothing but wild guesses not established by any argument worth quoting or refuting.

The next paragraph is headed 'Settlement around Damascus' (pp. 461-7). This long paragraph contributes nothing to the understanding of the text or to the clearing up of the history of

the Sect. Dr. Büchler says, 'Read the picture which Grätz draws of the Jewish tribes in Arabia shortly before Mohammed, and you will be struck by the naturally close parallels with the passage quoted. But in the first century nothing is known of the existence of such tribes, especially around Damascus' (*BR.*, 462). Now, I had read Grätz before Dr. Büchler gave us this sage advice, and I read him again and still fail to see that it offers the slightest parallel to the constitution of the Damascus colony, its aspirations, and its aims. It is rather amusing to see Dr. Büchler working himself up into a regular moral indignation about the contents of *T.*, 12, ll. 6, 7, and 8 (*BR.*, 462). Dr. Büchler would perhaps have become less declamatory had he been familiar with the contents of Berakot 3 b, where he will find something similar, though different in wording, the latter having more historical embellishments.

Dr. Büchler has then a great deal to say about the מבקר (*BR.*, 463, 464), but no explanation of the obscure office is forthcoming; nor does his remark (*BR.*, 462) on the strange טהרה (*T.*, 9, l. 21) explain anything. Nehemiah 12. 45 (מישמרת) (הטהרה) offers something of a parallel, but its meaning in the Fragment has to be taken locally as given in my notes. Dr. Büchler has also nearly a full page about the question of the annulment of vows, where he speaks of a specimen of a very strange interpretation of Num. 30, which is offered on p. 16, which it seems to him has been misunderstood (see p. 465). Lines 1 and 2 on *T.*, 16, which Dr. Büchler cites in note 104, p. 465, in connexion with the preceding matter now missing, has no bearing upon the question of vows. The reference to the Book of Jubilees shows this sufficiently. Now, Dr. Büchler finds that there is no difference between the law of annulment as taught by the Sect and that as taught by the Rabbis. I must say that I understand Dr. Büchler even less than I did the Fragment. As a fact, I have laid very little stress on these differences, distinctly declaring that the text is so 'defective in that place that the meaning must be considered doubtful' (*S.*, p. xviii, n. 20). Yet, in spite of Dr. Büchler, there are differences. The main difference would consist in this, that the Text confined the annulment

of vows to the case of a **דבר מצוה**, which is, of course, against tradition.

Dr. Büchler has another full paragraph, on the 'Language of the Book' (*BR.* 467). As Dr. Büchler mentions, I have myself directed the attention of the students to expressions pointing to a later date (see *S.*, xi). Dr. Büchler finds my explanation precarious, which it certainly is not, in consideration of the fact that the MS. passed through different phases and probably was touched by different hands. To the Arabism **בית השתחות** (*S.*, I, n. 4) I have also referred, and have remarked that it may perhaps be ascribed to the influence of some Falasha scribe. Dr. Büchler, however, gives another list of Arabisms, and he will allow me to doubt his authority in this matter. When Dr. Büchler exclaims, 'How else is to be explained 3. 21 **לאם ביד יהוקאל** as God promised them?' (*BR.*, 469, n. 118), I must remark that **הקים** does not mean *promise* but *confirm*, namely, **בריתו**, which is only missing here. When Dr. Büchler says that the most striking feature of the language, however, is the continuous employment of whole phrases and sentences of the Bible, the like of which we find in none of the literary productions of the pre-Christian, pre-Talmudic, and Talmudic times (see *BR.*, 467), I should like only to say that he is a little too dogmatic in his statements. Cf. Weiss, **משפט לשון המשנה**, p. 53, where we read the following: 'The Mishnah likes to make use of the language of the Bible and whole phrases,' and then proceeds to give a number of illustrations to this fact. If Dr. Büchler would further carefully examine, for instance, the wording of the well-known story of King Jannai (*Kiddushin* 66 a) and the dirges in *Mo'ed Katan* 25 b, he will find that the employment of phrases and sentences from the Bible in Talmudic times was not so rare as he believes. Nor is indeed the language of Ben Sira of such a 'contentious character' (*BR.*, 467) as Dr. Büchler thinks. To the majority of scholars this point is not any longer 'contentious'.

What Dr. Büchler further has to say about the historical part (*BR.*, 470-77) need not be treated here in detail. He certainly does not elucidate a single point either with regard to the 'man

of scoffing', or to the appearance of the 'Only One', or to the 'penitence of Israel', or to the meaning of the 'fence-builders' and similar obscurities. In his analysis of *T.*, 2 and 3, his task would have been a much easier one if he would have thought more of the Book of Jubilees, which permeates all the contents of these pages, and other places. But I must certainly admire his imaginative faculty when he speaks of the immigrants from their native country who left behind their property and income derived from it, and knows exactly that 'only few may have brought money with them and bought fields', and knows further that 'there were proselytes among them, some of whom may have joined the Sect in the hope of support', and thinks that this was the special reason for emphasizing the 'duty to love one's brother, and to support the poor, the needy; and the proselyte (6, 20, 21) had, therefore, especially to be mentioned' (*BR.*, 477). Of course I hardly need say that all this is nothing more than an echo of Jubilees 7. 20, 20. 2, and 36. 3 and 8 (to which some parallel may also be found in the Testament of the Twelve Patriarchs). This is evident from the fact that these positive humane laws in our Fragment are followed by a warning against fornication. The fact, again, that we have here אחירו (brother) instead of רעהו (neighbour) points also to the Book of Jubilees. But it was not, of course, in the plan of Dr. Büchler's interpretation to draw especial attention to the Pseudepigraphic character of our Fragment.

The same thing may be observed of Dr. Büchler's next paragraph, 'Authenticity of the Book' (*BR.*, 477-81). It is very diffuse, and offers no real instruction, but we may quote here the following passage:

'As there is no statement in Jewish literature to confirm the report of the Fragment, what could be adduced to confirm the truth of its contents? Or is the whole book an invented story to prove the origin of a Sect that lived in the district of Damascus in the seventh or eighth century, and to defend its peculiarities as to worship, constitution, and religious law? Could then the list

of the sins blamed on the opponents suggest the time and the character of the author?' (*BR.*, 478).

What Dr. Büchler puts here as a query becomes in the next paragraph a certainty with him, and he comes to the conclusion that 'our Fragment is nothing else but a construction of history of his Sect, invented to show that the Sect has already existed in early times, and that the differing practice of the Jews was wrong and followed the teaching of an unworthy, rebellious teacher, and of a company that was punished by God'; whilst in note 146 (*BR.*, 483) he adds: 'It is not improbable that also the sacrifices and the Temple were not in existence, but an invented detail.' This is the conclusion of Dr. Büchler, after he proves to his own satisfaction that the Sect knows nothing about Jerusalem, &c. (*BR.*, 481). He even invents a new Book of Jubilees which was at the disposal of the author of this Fragment (*BR.*, 480), of which, practically, we know nothing, but the fact that a copy of the Book of Jubilees was to be found in the library of the Academy.

The preceding remarks will, I believe, suffice to show the fallacy of Dr. Büchler's argument in its main points, whilst the student will further find that the points not touched upon in this refutation are irrelevant to the question of date, and never conclusive. To enter into a further discussion with regard to these unconvincing details will carry this article to a length which, as already indicated at the opening of these pages, I consider undesirable and superfluous. But the reader will be better able to see through the deceptive nature of Dr. Büchler's argument if he will bear in mind the following facts plainly shown by the whole drift of his criticism. Studied carefully, it will be found that Dr. Büchler constantly confuses the Sadducees with the Zadokites, against which I distinctly warned the student. He further ignores, or is unable to conceive, the peculiar character of the MS. forming, as I have pointed out, a mere extract or a faulty and crude condensation of older sources. He also assumes in most places that a custom or usage mentioned in a work dates exactly from the time when this work was compiled. I must further

point out that when Dr. Büchler maintains that according to my exposition, 'also the time of the foundation of the Sect in the year 176 B.C., is to be taken as exact' (see *BR.*, 477-8), he certainly misrepresents me. Anybody who carefully read my Introduction will find that I had my serious misgivings about the determination of the period of the beginning of the Sect. What he thinks of is probably my explanation of the first lines of the Fragment, where I gave the date of 176, but distinctly recorded my doubts as to the correctness of the reading there, which doubts, in addition to other reasons, made me declare that 'we are practically left without any definite date' (see *S.*, xxii and xxiii). But worse than all this is the display of his utter inability to deal with a production of this character. For it shows his incapacity of entering into the spirit of our Fragment, forming a species of its own, not falling within the range of Dr. Büchler's acquaintance. Otherwise he would certainly be more sensible to the peculiar character of this document, and would not be satisfied by such cheap explanations as to declare it a mere forgery, or a construction of history of a later date. Can Dr. Büchler point out in the whole literature produced between the composition of the Mishnah and the very last production of the last Gaon, Rabbinic or Karaitic, Halakic or Haggadic, devotional or polemical, poetical or historical, a single passage resembling this Fragment in style, diction or terminology, or manner of attack? Any student with something of a familiarity with ancient Jewish literature would at once have been struck by the strange character of this text, and recognized that it belongs to a class of composition to which none of the Hebrew writings of the first ten centuries of our era offer a parallel. It is this strikingly strange character and the impossibility of assigning it to any department of literature known, which must lead the student to look to other fields than those accessible to us from the Rabbinic or Karaitic writings. I know of nothing similar to Dr. Büchler's way of argument except Bacharach's long discussion of the 'Book of Jubilees' in his *למועדים*, which he declared to be a Karaite forgery,

but it has at least the merit of showing a very intimate acquaintance with Rabbinic literature.

In conclusion, I may be permitted to make the following general remark. In my Introduction I uttered the following words: 'The condition of our text precludes certainty and invites difference of opinion.' This difference of opinion came, as I foretold, in many different reviews, articles, and translations, which could now fill a fair-sized shelf by itself. However, this circumstance did not prevent me from reading most of what has appeared in this department with more or less profit. The only exception are papers appearing serially in periodicals, as I have an inveterate objection to reading scientific matter in instalments.

Another exception is also Dr. Charles's translation and commentary of this Fragment. It is one of the books which can wait. But I learned through the papers of his complaint about my refusal to let him have a facsimile of the MS., which meant practically a second edition of the Hebrew text. This was a thing which I had to decline, not only because I was contemplating a second edition of the text, accompanied by full facsimile, which would have given me the opportunity of improving and correcting errors and misprints (which privilege of editing texts correctly was the only reward which I have ever received from my labours in the Genizah for nearly these last eighteen years), but also because I considered the new Canon of Westminster not fitted for such a task. When Dr. Charles cabled to me for permission to make use of my English translation I granted it at once, as I knew that he was in need of it, and as far as I understand, it did do him much good. From a friend who made a careful study of Dr. Charles's edition I learn that he derived a great deal of benefit from my notes and Introduction, copying occasionally even my mistakes. However, with this question and many others besides I hope D.V. to deal in a work on the Zadokite Fragments which will contain also a full facsimile of the manuscript.

New York.

S. SCHECHTER.

SUPPLEMENTARY NOTES TO GORFINKLE'S EDITION OF MAIMONIDES' 'EIGHT CHAPTERS'

THE present writer had just completed an annotated translation of Maimonides' *Shemonah Peraḳim*, when he was informed that a similar work was already in the press in America. I have now seen Dr. Gorfinkle's scholarly edition of 'The Eight Chapters', and his accurate rendering of the text makes the publication of another version quite superfluous. On comparing his notes with my own, I found that I cited more parallels and contrasts between Maimonides and Aristotle than did he. I have accordingly compiled a list of supplementary notes in the hope that they may prove of some service to students of the *Peraḳim*. I quote from Welldon's translation of the *Nichomachean Ethics* (London, 1897) and Hammond's translation of the psychological treatises (London, 1902).

CHAPTER I.

P. 38, l. 6. Aristotle similarly maintains 'Numerically they [the vital principles] are one and the same part, although in their mode of expression they are manifold and different'. *De Juventute*, ch. I.

— note 2. Another striking passage where Aristotle draws an analogy between the physical and psychical nature of man is *Eth. Nic.* III, 7.

P. 39, note 2=p. 9 of Hebrew Text, note 9. No satisfactory explanation is offered why Maimonides speaks of 'man, ass and horse' in one sentence, and continues immediately with 'man, ass, and palm', and why so many of the Hebrew manuscripts and editions presuppose 'eagle' in place of 'horse'.

The solution is perhaps as follows: The correct reading is 'palm', Arab. *al-nahla*. This word was incorrectly read or copied as *al-nasr* [hence the Hebrew reading הנשר] which it resembles closely in the original script; then a further corruption took place to *al-faras*, 'the horse'. Maimonides' reference to the 'palm' may be compared with Aristotle's statements: 'The fundamental principle of life in plants appears to be a kind of soul, and this is the only principle which animals and plants have in common', *de Anima*, I, 5 (end) and 'Plants have no other capacity of soul than this nutritive one' (*ibid.*, II, 2).

- P. 40, note 1. The Talmud also mentions the soul as *nourishing* the body, but rather in a spiritual sense. Cf. *Berakot* 10a.
 P. 42, note 1. Cf. 'Imaginations are for the most part false.' *De Anima*, III, 3.

CHAPTER II.

- P. 47, note 3. Aristotle points out that 'the nutritive part performs its own function better during sleep than in a working state'. *De Somno*, ch. I.
 P. 48, note 2. Cf. *Moreh*, III, 27: 'This second perfection [i.e. of the Intellect] certainly does not include any action or good conduct.'
 P. 50, l. 1 ff. Cf. 'Happy conjecture is an irrational and hasty process. . . . Sagacity is a species of happy conjecture.' *Eth. Nic.*, VI, 10.
 — l. 19. Cf. 'The principle of Nutrition . . . possesses no natural share in human virtue.' *Ibid.*, I, 13; VI, 13.
 P. 51, l. 9 ff. So Aristotle: 'There are other things which are not naturally pleasant, but which come to be so in consequence either of physical defects, or custom, or depraved natural tastes.' *Ibid.*, VII, 6.
 P. 52, note 1. Maimonides' interpretation of the verse is defended by Lazarus, *Ethics of Judaism* (Eng. trans.), II, pp. 124, 271 f.

CHAPTER IV.

- P. 54, note 1. Philo also adopted the doctrine of the *Mean*, although it was 'clothed by him in a religious garb of his own'. Drummond, *Philo-Judæus*, II, 314. Traces of its influence have also been found in Ben Sira; cf. Hughes, *Ethics of Jewish Apocryphal Literature*, p. 34.
- P. 55, l. 6. Aristotle denies the existence of men insensible to pleasure. He says: 'We never find people whose love of pleasures is deficient, and whose delight in them is less than it ought to be. Such insensibility to pleasures is not human.' *Eth. Nic.*, III, 14.
- P. 57, l. 19. Aristotle says of the man who fears nothing that he is either a madman or insensible to pain (*ibid.*, III, 10), and in the subsequent chapter he distinguishes five spurious forms of courage.
- P. 58, note 1. Cf. also *Sukkah* 52a: 'The evil propensity in man is first like a spider's web, but finally becomes like cart-ropes.'
- note 2. Similarly Aristotle declares: 'Accordingly the difference between one training of the habits and another from early days is not a light matter, but is serious, or rather, all-important.' *Eth. Nic.*, II, 1.
- P. 59, note 1. Aristotle, on the other hand, maintains that avarice is incurable. *Ibid.*, IV, 3.
- P. 60, l. 18. This distinction is also pointed out by Aristotle, who maintains, 'It is in some cases the deficiency and in others the excess which is more opposed to the Mean'. *Ibid.*, II, 8.
- P. 62, l. 6. The mention of 'wool' is probably meant as a reference to the Sufis, the Muhammadan ascetics.
- note 3. Cf. also the same thought in *Eth. Nic.*, II, 9.
- P. 63, l. 10. Cf. *Moreh*, II, 39: 'The statutes of the Law do not impose burdens or excesses as are implied in the service of a hermit or pilgrim, and the like. . . . There are persons who believe that the Law commands much exertion and great pain,

- but due consideration will show them their error.' See also *H. Deot*, III, 1.
- 1. 18. That man is essentially a *social* animal is emphasized in *Moreh*, II, 40, III, 27; *Eth. Nic.*, IX, 9.
- P. 64, l. 31. In *Moreh*, III, 48, Maimonides gives a different reason for the prohibited foods, viz. their unwholesome character.
- P. 65, l. 1. The Rabbinical interdict is found in *Shabbat* 86 a, *Ketubbot* 65 b, *Niddah* 17 a.
- 1. 2. The reference is to the Commentary on Mishnah *Sanhedrin*, VII, 4.
- P. 66, l. 19. On the variant R. Dimi for R. Iddai cf. Bacher, *Agada der pal. Amoräer*, II, 219.
- P. 68, note 1. Cf. also *Deut. Rabba*, ch. VII, § 8.

CHAPTER V.

- P. 69, l. 3. See *Moreh*, III, 8, and also *Gen. Rabba*, ch. XXXIV, § 10: 'The wicked are in the power of their desires, but the righteous have their desires in their power.'
- 1. 16. Cf. *Moreh*, III, 27: 'The well-being of the Soul can only be obtained after that of the body has been secured.'
- 1. 20. Aristotle likewise warns us, 'In all cases we must especially be on our guard against what is pleasant and against pleasure, as we are not impartial judges of pleasure.' *Eth. Nic.*, II, 9.
- P. 70, l. 27. Aristotle says: 'The mass of men present an absolutely slavish appearance, as choosing the life of brute beasts.' *Ibid.*, I, 3.
- P. 71, l. 26. Cf. *Moreh*, I, 34: 'Consequently he who wishes to attain to human perfection must therefore study logic, next the various branches of mathematics in their proper order, then physics, and lastly metaphysics.'
- P. 72, note 4. Aristotle's saying might be compared: 'Amusement, being a relaxation, is a recreation.' *Eth. Nic.*, VII, 8.

CHAPTER VI.

P. 74, l. 1. Cf. *Eth. Nic.*, Book VII.

CHAPTER VII.

Heading. The term *ḥijāb*, 'veil, barrier', through which man contemplates the Deity, is borrowed from Muhammadan theology. Cf. Koran, Sura XLII: 'It is not fit for man that God should speak with him but by vision or from behind a veil.'

P. 81, note 5. See also *Mekilta* (ed. Friedmann), p. 2 a, and *Tanna d' be Eliyahu Zuta*, ch. VIII (ed. Friedmann), p. 186.

P. 82, note 4. See especially *Moreh*, I, 33.

— note 7. Cf. *Moreh*, I, 4, where it is explained that *see* 'refers to perception by the intellect, and by no means to perception with the eye as in its literal meaning'.

CHAPTER VIII.

P. 85, note 2. Cf. also *Moreh*, I, 34: 'He is not endowed with perfection at the beginning, but at first possesses perfection only *in potentia*, not in fact.'

P. 86, l. 10. For Maimonides, astrology is merely a branch of witchcraft. *Ibid.*, III, 37.

P. 87, l. 4. Cf. *Moreh*, III, 17, Third Theory.

P. 88, l. 20. There is Rabbinic authority for the view that the 'marrying a certain woman' is determined. See I. Abrahams, *The Book of Delight*, pp. 172-83.

P. 90, note 2. See also *de Anima*, I, 3, II, 4.

P. 100, l. 16. Cf. *Moreh*, I, 20.

P. 101, note 2. See Bacher, *Die Bibelepexese des Moses Maimuni*, p. 25, note 2.

— note 4. The source of Maimonides' image is perhaps the reply of R. Joshua b. Ḥanania to the Emperor. *Hullin* 59 b (bottom) et seq.

Birmingham.

A. COHEN.

NOTES ON THE POEM OF ELḤANAN BEN SHEMARYAH

THIS poem from the Genizah, which was published by Davidson in the *JQR.*, New Series, IV, 53-60, is of especial interest because, though we possess Gaonic Responsa addressed to Elḥanan, nothing was known in print until now of his own literary productions. For it is hardly subject to doubt that the writer of this poem is identical with the correspondent of the last Geonim. The meagre data which we possess of Elḥanan have been collected by me in my *אנשי קירואן*, pp. 13-14 (comp. also *ib.*, p. 47), among them being the fact that in a poem by Solomon Ibn Gabirol to Nissim ben Jacob (in Brody-Albrecht, *שער השיר*, p. 37) it is stated *וישלום גם לאלחנן חנינו*, and I ventured the suggestion that this reference is perhaps to our Elḥanan. But at the same time I pointed out that this identification is impaired by the consideration that Elḥanan was older than Nissim, for while the former was still ordained by Sherira, with whom he stood in mutual correspondence, the latter's relations were restricted to Hai alone. Davidson would like to reverse this relation between Nissim and Elḥanan, and construing *חנין* in the sense of teacher declare Nissim a pupil of Elḥanan. To prove his point he refers to the variant reading in Mo'ed Ḳaṭan 25 b, *בעת חנינתו אבר חנינו*, instead of *בעת חניכתו אבר חנינו*. But this variant is certainly corrupt as proved by the continuation *אסיקו ליה חנן על שמה*, apart from the fact that the form *חנין* does not occur elsewhere in the talmudic literature,¹ and that *חניכה* usually denotes *surname* (comp. Levy, *s.v.*). Besides, at another place in the same poem Solomon Ibn Gabirol employs the word

¹ Jastrow, to whom Davidson refers, is inaccessible to me.

הַיָּתָן in the sense of pupil (ver. 6 : וַיִּקַּח נָא בְרֵכָה מֵחֲנִיכֵי : comp. furthermore my אֲנִשֵּׁי קִירוּאָן, p. 43). Moreover, Elḥanan seems to have been a pupil in Kairowan² and not the head of an academy. It is therefore most probable that the allusion in Ibn Gabirol's poem is to another Elḥanan.³

The contents of the poem are sketched briefly by Davidson, pp. 54-5. However, that Elḥanan refers to certain contemporaneous events cannot be gathered with certainty from the contents, although it is not impossible, and notwithstanding the fact that Elḥanan sojourned in all the lands which suffered at the hands of Ḥākim.⁴

Elḥanan's poem, like many others of this type, is written in the musive style, and Davidson has noted down the corresponding verses of the Bible. But Elḥanan also paraphrases talmudic-midrashic expressions, to which likewise Davidson should have paid attention. Thus, l. 12, neither מַעְבֵּר nor מַעְרָב is in place, but מַעְבֵּר, and l. 13 read תִּמְצָא instead of הִמְצָא, for Elḥanan had in mind the saying of R. Joḥanan who interprets Deut. 30. 12-13 as follows (Erubin 55 a) : לֹא בַשָּׁמַיִם הִיא לֹא תִמְצָא בְּנֶסֶךְ רוּחַ וְלֹא מַעְבֵּר לִים הִיא : (l. 15-16 we have again a paraphrase of an assertion by Raba ('Abodah zarah 19 a) : כְּתִיב בְּרֹאשׁ מְרוֹמִים וְכְתִיב עַל דֶּרֶךְ בְּתַחֲלָה בְּרֹאשׁ מְרוֹמִים וּלְבִסּוֹף עַל דֶּרֶךְ l. 22 comp. Lev. r. ch. 19 beginning (see also Midrash Samuel, ch. 5, ed. Buber, p. 57 ; Cant. r. 5. 11) : . . . קוֹצוֹתַי תִּלְתְּלִים . . . שְׁחוֹרוֹת כְּעוֹרֵב . . . אָמַר ר' שְׁמוּאֵל בְּר' אֲמִי דְּבָרֵי תוֹרָה צְרִיכִין הִשְׁחָרָה (this verse accordingly refers to the Law), and to l. 24 comp. the well-known maxim of R. Eliezer b. Azariah (Ḥagigah 3 b and parallel passages) : . . . נִמְשְׁלוּ דְּבָרֵי תוֹרָה לְדֶרֶךְ . . . בְּעָלֵי אֲסוּפוֹת אֱלֹו תַלְמִידֵי חֲכָמִים שִׁיוֹשְׁבֵין אֲסוּפוֹת אֲסוּפוֹת וְעוֹסְקִין

² This I derive from Hai's Responsum (Harkavy, *Stud. u. Mitt.*, IV, 2) : וּבִשְׁנֵי נָאוֹן אֲבִינוּ נָע שָׁאֵל מִ"ר אֶלְחָנָן בֶּן מִ"ר שְׁמַרְיָה אוֹתוֹ בְּתוֹךְ אֶנְרֵת מִ"ר יַעֲקֹב בֶּן מִ"ר פִּטְרוֹן וְתַלְמִידִים שְׁהִיוּ בְּקִירוּאָן וְכו'.

³ Neither can Elḥanan b. Ḥushiel, Ḥananel's brother, be meant here, since he was already advanced in years when he came to Kairowan (see my אֲנִשֵּׁי קִירוּאָן, p. 13) and was likewise older than Nissim.

⁴ Comp. *REJ.*, XLVIII, 146, and the passages cited there.

‘בְּתוֹרָה וְכו’.—l. 33 read perhaps יָרִי instead of יִמְרִי: Elḥanan reproaches here those who ‘teach without understanding anything themselves’ (comp. Soṭah 22 a: כִּי רַבִּים הַלָּלִים הָפִילָה זֶה ת”ח שֶׁלֹּא (הִנֵּיעַ לְהוֹרָאָה וּמוֹרָה), and this will agree well with the continuation, l. 34: ‘when they are asked concerning many things in the Torah they become stupid (נוֹאֲלוּ, comp. hereon Berakot 63 b: וְלֹא עוֹר אֵלָּא שְׂמִמְפָּשִׁים כְּתִיב הֵבֵא וְנוֹאֲלוּ וְכִתִּיב הֵתֵם אִשְׁרֵי נֹאֲלָנוּ) and are considered as strangers (to the Law)’.—l. 43 bears an allusion to the fate of Ḥananiah b. Teradyon (‘Abodah zarah 18 a): הַבִּיאוּהוּ וּכְרַכּוּהוּ בִּסֵּת וְהַקִּיפוּהוּ בַּחֲבִילֵי זְמוּרוֹת וְהַצִּיתוּ בֵּהֶן אֶת הָאוֹר.—l. 58 we should probably read אֶפְרַיִם instead of קְפָרִים and comp. it to p. Taanit II, 1 (fol. 65 a, l. 41): רֹאִין אֶפְרוֹ שֶׁל יִצְחָק כְּאֵלּוֹ (comp. also Ber. r., ed. Theodor, p. 513).

SAMUEL POZNAŃSKI.

Warsaw.

LEARNING AND TEACHING IN THE OPEN AIR IN PALESTINE

IN the current volume of this REVIEW, p. 111 ff., Professor Krauss, in his note on the word *יְנוּנִית*, incidentally refers to the question whether the rabbis of Talmudic times studied and taught in the open air. For his evidence, he quotes his full article in Lewy's *Festschrift* on the vineyard in Jamnia, and his *Archaeologie*, III, 205. As neither this work, nor the article mentioned dealt with the general question, I may be permitted to refer again to the very instructive information in Talmudic sources on studying in the open air, and to discuss here a few pertinent statements which may assist students of Palestinian archaeology in solving the interesting problem concerning the vineyard in Jamnia.

R. Joḥanan b. Zakkai taught in Jerusalem on the Temple mount in the shade of the walls of the Temple.¹ One of his former fellow-students in Hillel's school, Jonathan b. 'Uzziel, must also have studied in the open air; for it is reported (Sukkah 28 a) that, when he was learning Torah, every bird flying over him was burnt by the heavenly fire surrounding him.² On the steps of the Temple mount, ben-Zoma was once so greatly absorbed in mystical thoughts that he did not greet R. Joshua b. Ḥananiah.³ In the gate of R. Joshua's house, four of his disciples sat and discussed some questions (Tos. Berakot IV, 18); and R. Tarfon and his disciples sat in the shade of a dove-cot in Jamnia discussing a biblical subject.⁴ R. Jose b. Ḥalaftha sat

¹ Pesahim 26 a; p. 'Abodah zarah III, 43 b, l. 66.

² See Bacher, *Agada der Tannaiten*, I, 124, 1.

³ Baraita in Hagigah 15 a; Tos. II, 5; p. II, 77 a, b; Genes. rab. 2. 4.

⁴ Tos. Berakot IV, 16; Mekhilta on Exod. 14. 22, p. 31 b; Midr. Psalms LXXVI, § 2.

in the market (of Sepphoris), and expounded to a matrona and her husband a detail referring to the messianic times.⁵ R. Eleazar b. Pedath studied in the lower market of Sepphoris, while his cloak lay in the upper market ('Erubin 54 b); as there were trees planted in that market,⁶ he may have sat under one of them. R. Judah b. R. Jannai was so greatly absorbed in his study that he did not notice that his cloak had slipped (from his shoulders); when his disciples drew his attention to it, he pointed to a serpent guarding his cloak (p. Berakot V, 9 a, l. 47). R. Jannai studied in the gate of Sepphoris.⁷ R. Simeon b. Lakish studied outside the gate of Tiberias.⁸

Naturally, the scholars studied in the open air only during the warm season, and, as the sun often shone hot, sat in the shade of buildings or more probably of trees. There were in Palestine many kinds of shady trees,⁹ some of which were fully

⁵ Midrash Tannaim, ed. Hoffmann, p. 262.

⁶ Tos. Kil'aim I, 4; p. I, 27 a, l. 38.

⁷ Genes. rab. 10, 7; Num. rab. 18, 22; Kohel. rab. 9, 5; Bacher, *Paläst. Amoräer*, I, 37, 3.

⁸ Genes. rab. 34, 15; Kohel. rab. 3, 9; p. Berakot V, 9 a, l. 45; Bacher, *Paläst. Amoräer*, I, 346, 5. In Midrash ha-Gadol. on Deut. 18, 14 R. Jannai and R. Johanan sat in the gate of Tiberias, when two astrologers also sat there. In the first passage אֵילָנִים is explained to mean a grove, which would be a more suitable place for study than the gate of a city. See also Makkot 19 b according to Rashi's version: R. Hanina and R. Hoshaiah were sitting at the entrance of Jerusalem, and raised a halakic question; see also Rabbinowicz.

⁹ The Bible incidentally refers to the apple-tree in Cant. 2, 3; 8, 5; the oak and poplar in Hosea 4, 13; the terebinth, under which a prophet sat, in 1 Kings 13, 14; Ezek. 6, 13; the olive-tree in Hosea 14, 7; Jer. 11, 16; Psalms 52, 10; 92, 11; the cedar-tree in Ezek. 17, 23; 31, 3; the fir-tree (ברוש) in Hosea 14, 9. No reference is found to the shade of the fig-tree and of the vine; but Midr. Cant. 2, 13 points to the breadth of the foliage of the fig-tree, and in Pesikt. rab. XLI, 172 b, R. Hanina b. Papa says that its branches spread in all directions. A vine was sometimes trained over a trellis (Krauss, II, 229) and gave very pleasant shade. As to the shade of the apple-tree, there are contradictory statements. R. Jose b. Zimra in Cant. r. 2, 3, Pesikt. 103 a, says that in the heat all flee from the apple-tree, for it has no shade; on the other hand in a passage of the Midr. Jelamdenu in

covered with leaves already in Adar (March–April).¹⁰ Once when R. Joḥanan b. Zakkai and his favourite disciple Eleazar b. ‘Arach were on the way, and the latter offered to expound to the master a detail of mystical philosophy, R. Joḥanan dismounted from his ass and, with his companion, sat down on a stone under an olive-tree, and soon all the trees joined in praises for R. Eleazar’s exposition.¹¹ During the religious persecutions, R. Akiba once taught and expounded the law at his table under an olive-tree.¹² R. Jonathan b. Eleazar (of Sepphoris) was once, in the summer, sitting under a fig-tree; when he noticed the flow of juice from the ripe figs, he called his disciples and showed them the wonderful blessing.¹³ In these instances individual teachers and exceptional circumstances prove nothing for the studying or teaching of the rabbis under trees. But different is the case of R. Hyrkanos, probably the son of R. Eliezer,¹⁴ who had in Kefar-‘etam the act of הלִיצָה performed under a terebinth;¹⁵

Jellinek’s בית המדרש VI, 82, § 27, it is the last refuge in a garden where no other shady tree is planted. In Pesahim 111 a R. Isaac refers to the danger of sleeping under a solitary palm-tree, and in Midr. Psalms 92. 10 R. Isaac b. Adda points out that the shade of the palm-tree is far away from the tree, meaning the shade of the crown. As to the shade of the juniper under which Elijah sat in 1 Kings 19. 4; Midr. Psalms 120. 4, and the *kikayon* in Jonah 4. 10, see the commentators.

¹⁰ In p. Rosh ha-Shanah II, 58 a, l. 22, it is stated that in the month of Adar it is so warm that an ox would like to strip his hide in the shade of a fig-tree. In the parallel in b. Sanhedrin 18 b: ‘In Adar, in the morning an ox would die from cold, at noon he would lie down in the shade of a fig-tree and strip his hide.’ The leaves withered after a hundred days, Tos. Shebiit IV, 20.

¹¹ Hagigah 14 b; Tos. II, 1; p. II, 77 a, l. 59.

¹² חמשה קונטרסים in Coronei’s מסכת בלה, p. 19 a; Derek ereṣ XI, 5, 6; Epstein, מקדמוניות היהודים, p. 115.

¹³ Tanḥuma 13, Buber 10. Buber refers to a parallel in והזהיר p. 100 b, which adds: ‘To be in the shade and protected from the sun.’ In p. Pesahim VII, 20 b, l. 1, R. Iddi reports a similar incident without mentioning any name. In Shabbat I, 56 b R. Naḥman b. Isaac sat under a palm-tree and studied.

¹⁴ Shabbat 147 a; Sanhedrin 68 a; Menahot 35 a; Sotah III, 19 a, l. 6.

¹⁵ Jebamot XII, 6; the Cambridge Mishnah reads כפר עכו, pal. כפר איכוס.

for this shows that he taught and judged in the open air under a tree.¹⁶ R. Hiyya b. Abba and his colleagues, according to some R. Jose b. Ḥalaftha and his colleagues, according to others R. Akiba and his colleagues, were sitting under a fig-tree and studying; when they saw that the owner of the tree came early every morning and picked figs, they thought that he suspected them of eating his figs, and they moved to another place.¹⁷ The most characteristic passage, however, is Cant. rab. 4. 4, § 6, where R. Aḥa, in interpreting Cant. 4. 3, says: כפלה הרמון רקתך, הריקן שבסנהדרין רצוף תורה כרמון הזה, ואין צריך לומר מבעד לצמתך על הירקן 'the weakest member of the Synhedrion is as full of learning as the pomegranate (is full with seeds); but even more so those sitting under the olive-tree, and under the vine, and under the fig-tree, and studying Torah'.¹⁸ About the middle of the fourth century, it must accordingly have been the general custom of the scholars to study under trees, and, as R. Hiyya's case shows, not merely of individual teachers, but of whole schools. Though late, yet historically very instructive, is the agadic statement in Seder Eliahu IX (Friedmann, p. 50) that Deborah went and sat under a palm-tree and taught Torah publicly. Though based on Judges 4. 5, it would not have been said that she taught in public under a palm-tree, if the custom had not still been general in the times of the author. This is further evident from the statement in the same passage, לא היו תלמידי חכמים בישראל אלא כחצי דקל בלבד, 'that in Deborah's time there were not more scholars than about half a palm-tree'. For this very strange measure presupposes that the scholars of the time, as a rule many, were studying under trees;¹⁹

¹⁶ Cf. Judges 4. 5; 1 Sam. 14. 2; 22. 6.

¹⁷ p. Berakot II, 5 c, l. 9; Genes. rab. LXII, 2; Cant. rab. 6 2, 2.

¹⁸ According to the climax, the men studying under the trees were the excellent members of the Synhedrion. R. Samuel Jafé refers the first group to the scholars attending the meetings of the Synhedrion without being yet members (Sanhedrin IV, 4), and the second group to the members.

¹⁹ Friedmann in his note refers to Megillah 14 a where MSS. in Rabinowicz read: מה תמר זה צלו מועט אף תלמידי חכמים שבאותו הדור

the palm-tree, which offered no shade of any extent, was only mentioned because the verse spoke of such a tree.²⁰

As to the great school in Jamnia, the frequent **כרם שביבנה**, the vineyard in Jamnia, naturally suggests that the school met during the warm and dry season in an orchard next to a building required for the rainy months. In addition, a Baraita in *Baba meš'a* 59 b, which seems to have escaped the attention of scholars dealing with the school buildings, gives, in spite of the miracles reported, noteworthy information. In the heated discussion of the scholars of the *bet-din* in Jamnia, which led up to the exclusion of R. Eliezer b. Hyrkanos from the school, this scholar said to the assembly: 'If the decision is according to my view, this carob-tree shall prove it'; and the carob-tree was uprooted (and carried off) a hundred yards. When the rabbis refused to accept the proof derived from the carob-tree, R. Eliezer said: 'If the decision is according to my view, the canal shall prove it', and the canal flowed backwards. When the rabbis refused to accept the proof derived from the canal, R. Eliezer said: 'The walls of the school shall prove it'; and the walls of the school inclined to fall. When R. Joshua rebuked them, they did not collapse, nor stand erect; and they are still standing in the same position. The order in which R. Eliezer calls on his witnesses shows that the discussion took place in the open air, in a garden or a field with a carob-tree and a water-canal, and that close by stood a school-house with strongly built walls.²¹ If

מיעטין היו, as the shade of the palm-tree is little so the number of scholars in Deborah's time were few.

²⁰ Also R. Judah b. Ilai's statement in *Cant. rab.* 6. 9, § 2 (cf. Friedmann's *Pesikt. rab.* p. 198 a), is to be considered as evidence. He refers the sixty queens in *Cant.* 6. 9 to the sixty **חבורות**, companies of righteous men who sit in the garden of Eden under the tree of life and study the Torah; and the eighty concubines are eighty companies of average men who study the Torah outside the tree of life; and the girls without number refer to students innumerable.

²¹ According to the parallel account in *p. Mo'ed Kaṭan* III, 81 d, l. 9, the pillars of the house of meeting (= the school) were on that occasion shaken; but a little earlier in the report the carob-tree belonged to R. Eliezer's

further details were known, 'the vineyard in Jamnia' would be proved as an extensive orchard under the shady trees of which the rabbis sat in the summer and discussed all questions.

Comparing with this the passage from the Midrash Jelamdenu discussed by Professor Krauss, בשם שחבירים, הוישבת בונים חברים, יושבין גנוניות גנוניות ועוסקים בתורה אני יורד אצלם ואני מקשיב לקולם וישומע, we would be inclined to find here a reference to scholars sitting in gardens and studying. But the mere fact that the plain word בונים of the text in Cant. 8. 13 was not retained without any change or interpretation shows that גנוניות does not mean gardens. Nor can it be said without strain in Hebrew that scholars sit like small gardens; in the plain prose of an agadah an adverbial accusative denoting place must not be assumed. Kohut seems to be right in suggesting from the context and from the parallel in Cant. rab. 8. 13, 2 as the meaning of גנוניות 'company', 'assembly'; but his derivation of the word from *κοινωνία* seems unlikely. What is wanted here is a synonym of כת or חבורה, as used in the statement of R. Tanḥum b. R. Ḥiyya of Kefar-'Akko in Berakot 63 b, עשו כתות כתות ועסקו בתורה לפי שאין התורה נקנית אלא בחבורה, 'form groups and study Torah, for this can only be acquired in company'. גנונית which was used only on account of גנים in the verse, seems to be identical with or similar to גנון used as interpretation of גן in Cant. rab. 1. 3, 2 לגינונו (Lev. r. 9. 8, Pesikt. r. V, 18 a), 5. 1, 1 באתי לגני לגנוני (Pesikt. 1 a), meaning a cover, a shade overhead, just as סִיפָה and צֶל, and as חֶפֶה in Isaiah 4. 5; and גנונית probably meant the company sitting under the חֶפֶה and waiting, as the בני חֶפֶה in Tos. Berakot II, 10; Tos. Shabbat XVII, 4; p. Ḥagigah II, 77 a, l. 59; b. Sukkah 25 b, 26 a; p. II, 53 a, l. 21, 'for God as the bridegroom to come to the bower'. As חֶפֶה was even in Talmudic times used still for a shade,²² foliage under which the scholars were sitting could be

private house. The details are in favour of the Baraitha in the Babylonian Talmud.

²² R. Ḥiyya b. Abba in Lev. rab. 25. 2, says: עתיד הקב"ה לעשות צל, וחופות לבעלי המצות אצל בני תורה בן ערן, God will make for charitable men in the garden of Eden a shade and bowers next to the scholars. He took

called נִינְיָה.²³ If this interpretation is right, the passage is an additional proof for the studying of scholars in groups in the shade of trees.

A. BÜCHLER.

London.

the idea from his master R. Johanan who said, in Baba bathra 75a, that God will once make seven bowers for every righteous man, as He had, according to R. Hama b. Haninah, made for Adam ten bowers in the garden of Eden (also in Lev. rab. 20. 2; Pesikt. rab. XXXI, 145a); see *Monatsschrift f. G. u. W. d. J.*, XLIX (1905), 18 ff.

²³ Compare Lev. rab. 24. 7 where Deut. 23. 15 בְּקֶרֶב כִּי יִי אֱלֹהֶיךָ מִתְחַלֵּךְ בְּקֶרֶב is explained by הָגֵן, to protect, shade overhead, as by the foliage of a tree, מִחֲנִיךְ לְהַצִּילֶךָ. להגן עליך להיות צל על ראשו. In Mekhilthā on Exod. 13. 21, p. 25 a, it is explained that God rewarded Abraham's words to the angels in Gen. 18. 4 to lean under the tree, by spreading over his descendants seven clouds; in both cases it was shade overhead. See also 4 Ezra 1. 20; Midr. Threni r. 1, 17; Psalms 42. 4.

RECENT SYRIAC TEXTS

The Book of Protection. Being a collection of charms. Now edited for the first time from Syriac MSS., with translation, introduction, and notes. By HERMANN GOLLANCZ, M.A., D.Litt. London: HENRY FROWDE, 1912.

Scholars will remember Dr. Gollancz's interesting paper, 'A Selection of Charms from Syriac Manuscripts', published in the *Actes* of the Eleventh International Congress of Orientalists. The present volume gives in full the two manuscripts from which those selections were made, and along with these, which are the editor's private property, he publishes a third parallel codex which is at Cambridge University. Also he makes reference to a fourth codex of similar character in the British Museum. His private manuscripts agree closely, the one with that in the Museum, the other with that at Cambridge, while the two groups contain a number of identical charms, so that it appears that the collation offers quite a standard corpus of magical inscriptions in use among the Nestorian Christians to this day. His codex A was written in 1802, the second, which is shorter, he adjudges to be older. The Introduction notices several points of interest in the charms, and there are brief foot-notes on difficult passages and points of interpretation, probably sufficient for a somewhat monotonous series of texts.

The magic is the direct heir of the earlier incantations of the Mesopotamian valley, familiar to us in the bowl texts of the early Christian centuries, and going back to the Babylonian magical texts. Jewish scholars will recognize many points of contact with charms still current in Jewish households, e.g. the Lilith legends. The legend indeed plays a larger part in these charms

than in the elder forms ; that is, some sacred story or reference from biblical or hagiological lore is cited with prophylactic intent. For example (p. xxxi): 'King Solomon was building the house to the name of the Lord, and the Holy Spirit was handing him the stone. Solomon stooped to take hold of the stone ; he hurt his back, his loin ruptured, and he gave forth a bitter cry. Whereupon our Lord said unto his disciples, What voice of crying is this? and they replied unto him, It is that of Solomon, the son of David, who is building the terrific, blessed house.' The charm is accordingly of avail for an injury to the back. An incantation for a cold consists in the reference to the fact that 'our Lord as a little boy and his mother were subject' to this malady (p. xli). As over against the elder charms there is a diminution of the number of species of evil spirits exorcised ; their place is taken by long catalogues of various diseases and social calamities. The same rationalizing progress is found in the Babylonian medical charms published by Kùchler, and also in the Jewish medical texts from Mosul, edited by R. C. Thompson. Also our charms are distinguished by the very large number of saints whose names are invoked, names which defy for the most part all hagiological research. They take the place of the angelic names in Jewish magic. There is a very modern air about the whole collection ; the musket is frequently exorcised and even the business letter has received an appropriate charm (p. xliii). The unhappy lot of the Christians under Muslim rule appears in the constant exorcisms of the power of evil emirs, governors, &c. The written charm is given a name which is found only in the Syriac collections ; they are called ܐܕܢܐ, on which the author gives a note, p. xxv. May the word mean a 'hand', with reference to the well-known prophylactic power of the hand in actual use and symbolically? The work is illustrated with reproductions of the very crude designs of saints and devils which decorate the manuscripts.

Horae Semiticae, No. IX. The Forty Martyrs of the Sinai Desert and the Story of Eulogios. From a Palestinian Syriac and Arabic palimpsest. Transcribed by AGNES SMITH LEWIS, M.R.A.S. Cambridge: UNIVERSITY PRESS, 1912.

This volume is another fruit of the travels and scholarship of the distinguished Cambridge sisters. It presents a new category of the so far confined Syro-Palestinian literature, namely, hagiological story, of which only a few fragments had hitherto been known (see Schulthess, *Lexicon*, p. xvi). Besides the 'Forty Martyrs' and the story of Eulogios, which is a charming little tale, there is a fragment of the story of the patrician Anastasia, who escaped from court life and assumed the habit of a hermit. It is unfortunate that none of these hagiologies is new, all being known to us in their Greek form, from which these Syriac texts have been translated. The 'Forty Martyrs' is given by Combefis in his *Christi martyrorum triumphi*, and 'Eulogios' and 'Anastasia' in Clugnet, *Bibliothèque hagiographe orientale*, i (these literary details are scattered through the edition before us). The literature of the dialect accordingly still retains its characteristic as merely a group of versions from the Greek.

The text is but slightly pointed; we may notice the occasional appearance of the pointed 𐤀 to denote final ʿ of 𐤀𐤌 verbs. It appears to be carefully written, with few of the errors which have entered plentifully into the manuscripts of the dialect. The editing is almost without fault. On p. 56 (Syriac numbering) b, 13 read סיבן for סיבי. Is אשתתפית, evidently for אשתותפית, the true reading, p. 25 b, 13? If so, a *sic* might have been added. In fact a good deal more might have been done in the way of textual notes and comments, nor does the Glossary, which is intended to include all the uncommon words and forms found in this volume, and also in no. viii of the same series (*Codex Climaci rescriptus*), fulfil its purpose. A fresh collation of the text would be necessary in order to collect all the noticeable forms. We may remark אתי, p. 26 a, 8, for Greek ἔτι, overlooked by Mrs. Lewis and unknown to Schulthess. On p. 62 b, 2 occurs

another novel form, a Semitic word coloured by the Greek: **פר** in **מִן יוֹמָא מוֹתֵר פֶּר מִן יוֹמָא** 'perchance more than a day'. It appears to be a contraction of **פֶּרִיע** or **פֶּרוּע**, known in all the Palestinian dialects in the sense of *ταχέως*: our word is used to render the related *τάχα*, 'perhaps'; is the shortening artificial, in conformity with the proportions in length of the Greek words? The **שִׁאמִן** on p. 57 a, 5, listed in the Glossary under **שֵׁם**, should be under **שׁוּם**. Moreover, the same form occurring p. 68 b, 21, used in the sense of 'think', is omitted in the Glossary; Schulthess notices but one instance of the verb, which is frequent in the Rabbinic. The peculiar form **דּוּמְלִין**, translated 'full', p. 21 b, 21, is ignored. Observe also the form **יְבוּעִין**, p. 51 b, 15, translated as though from **בְּעָא**, but not given in the Glossary.

There are some slips in the translation. Evidently **סבא**, which recurs repeatedly on pp. 20 ff., beginning 20 b, 4, cannot be the proper name Saba (we should then have the title 'father'); throughout it is the epithet, 'old man', of the saint in question; thus from p. 21 on it is the title of father Joseph. I have not the Greek text at hand, which may contradict me, but even then it would not make sense. The same word also occurs at the beginning of the story, p. 20 a, 6, where the editor translates 'he dwelt there with Saba (**בסבא**) above father Moses'; the preposition cannot have this meaning. I might suggest a common noun, 'in the neighbourhood'. On p. 36 b, 21, **אדמו** cannot mean 'flung themselves on him'; may the verb have the sense known in the Edessene, 'become bloody', and so mean here 'flush with rage'? The text is evidently in disorder at bottom of p. 42 b, and means apparently 'because the barbarians were oppressing their land'. Page 56 a, 5, **איפרכיא** is not 'Africa', but 'eparchy', anticipating the story which tells how Eulogios became eparch. Below, l. 11, **אחוני** is 'our brother', not 'one brother' (typographical error?). P. 58 a, 22, **מיטוניא** is translated according to the literal Greek, 'repentance', but it means here as in Edessene, 'obeisance'. Translate p. 67 a, 7 ff., 'and he (the Ethiopian, a term for Satan—cf. Ep. Barnabas, 4. 9) brought him out *from* before the prefecture', i.e. as condemned. For

p. 69 a, 19 ff., we have this senseless rendering: 'Thy breakfast is quite safe from these mockeries', but translate 'in faith (cf. 68 a, 7) leave off from these mockeries'. Translate 70 a, 2 and 5, 'patrician', not 'eparch'. In 71 b, 7 **אזל לעלמא** appears to mean 'I must go to eternity', i. e. 'die', certainly not 'go to the world'. In the story of Anastasia, 82 b, 7 ff., translate 'once a week he used to go to father Daniel'. P. 83 b, 20, **חספא** is 'potsherd', as in l. 7, and does not need the Arabic note which the editor wrongly appends. The emendation in 70 a, 14, **ב[אלפא]**, translated 'I cast the man into a ship', may be supported by the Greek; without control from that quarter **ב[אברנא]** would be better, 'I cast the man into destruction'.

J. A. MONTGOMERY.

University of Pennsylvania.

LEGENDS OF THE JEWS

Die Sagen der Juden. Gesammelt und bearbeitet von MICHA
JOSEF BIN GORION. I. Von der Urzeit. Frankfurt a. M. :
RÜTTEN UND LOENING, 1913. pp. xvi + 378.

The loving devotion of Jewish people to the Bible has resulted in developments of its narratives which constitute, as it were, a new biblical world enriched and embellished, and at times distorted by the folk fancy. The heroes and events of the Bible appear in this legendary world as in a kaleidoscopic mirror. Some of these developments are of considerable cultural interest in their influence upon Christian and Mohammedan legend. But they have an interest of their own as forming, in many respects, the chief outcome of the Jewish popular imagination for nearly a thousand years after the close of the biblical canon. They form a large portion of that section of Midrashic literature known as the Haggadah.

Of recent years considerable attention has been paid to this subject. B. Beer devoted a whole book to a life of Abraham, derived from these sources. Hamburger began his encyclopedia by an alphabetical treatment of Jewish legends, which did not go very far into the alphabet; he carried the treatment throughout the first, or Biblical, volume of his encyclopedia. The *Jewish Encyclopedia* also gave considerable attention to the legends relating to the chief biblical characters. Quite recently two extensive works have been devoted to a systematic account of the Legends of the Jews about biblical characters, one by Dr. Louis Ginzberg, the text of which is now complete in four volumes which are to be completed by a fifth containing references

to the sources and other learned epilogemona; and there has now appeared the first volume of a similar work in German which promises to be equally, if not more, extensive.

The first volume, just published, deals with the legendary material of the Jews relating to the Bible narrative from the Creation down to Noah. It is divided into four books: the first dealing with the Creation; the second with Adam and his descendants; the third with the Flood; and the fourth with the upper and nether worlds. Adam is dealt with both in the second and fourth books: in the former as an individual, in the latter as a type. Each legend has its separate section and separate head, which makes reference very easy; and the plan and arrangement of the book is admirably adapted for its purpose, to make the biblical legends easily accessible. The sources from which the pseudonymous author has drawn are almost exclusively Hebrew or Aramaic. A few legends relating to the demons are taken from Judæo-Arabic sources and are given in the last section of the book. Samaritan and Karaitic versions of legends are occasionally given. On the other hand, the large material given in the Hellenistic sources is entirely ignored, and no attempt is made to utilize the Christian pseudepigraphic literature and the Church Fathers. The legends are seemingly given in tolerably full translation or paraphrase, and the sources of each section are given at the end of the book, with occasional parallels, though no attempt is made to give these in completeness or to discuss their divergencies. Judging from the long list of Midrashim and other works quoted, the book is the result of very wide reading and research.

It is natural to compare it with the treatment of the same subject and period contained in Dr. Ginzberg's *Legends of the Jews*. At first sight it seems to be much more extensive, devoting 348 pages to that section of biblical legends which Dr. Ginzberg covers in 181. But the German page contains many fewer words than the English one, and a rough estimate would seem to show that the German author devotes about 80,000 words to his subject as against 55,000 of Dr. Ginzberg.

Even this comparison is misleading, since the methods of presentation of the two authors differ considerably in conciseness. The German writer translates or paraphrases his sources in full; Dr. Ginzberg summarizes and abstracts. Thus in half a page (65-6) the latter gives all the points about the legend of Lilith, to which 'Gorion' devotes a page and a quarter (323-4). It seems probable, therefore, that Dr. Ginzberg's treatment contains even more material than the German writer's, especially as he draws from the Greek apocryphal literature and the Church Fathers. In the absence of Dr. Ginzberg's volume of Notes it is, at present, impossible to compare the respective writers' use of their sources.

Turning from matter to form (which is acknowledged to be due to the compiler's wife, Mrs. Rahel Berdyczewski), the style in which the legends are told is clear, simple, and flowing. There is an appropriate imitation of Luther's German, which itself follows the vivid austerity of the Hebrew original. The different variants of the respective legends are introduced by formulae like 'others say', 'again we read', 'it is said', and the like, which bring out the difference of sources in an unpedantic way. A number of beast-fables are introduced in the account of the Creation and of Noah's Ark which do not seem to be included in Dr. Ginzberg's book; and anything likely to offend childish readers is omitted or glossed over. From this point of view the book seems to be more suitable for children's reading than its English compeer.

The play of the Jewish folk fancy, as shown in this collection, is remarkable for two qualities—its daring and its tenderness. The cosmological flights of the Jewish imagination, as shown in the elaborate embroideries of the Creation and of Flood legends, are fully as daring as in Greek mythology, though occasionally the question arises whether there has not been some 'contamination' from this source. But what strikes one even more noticeably is the tenderness with which human relations are treated in Jewish legends. Adam gives up seventy years of his thousand to his most distinguished descendant

David, who was otherwise destined for an early grave. Eve was made out of Adam's rib because a man's wife is flesh of his flesh, bone of his bone. And so throughout, wherever the Jewish fancy can introduce a touch of human feeling, it embellishes the biblical legends with deep-felt, yet manly, tenderness. The ethical genius of the Jewish people was not exhausted by the prophets; it is equally mirrored in these humbler legends of the Jewish folk.

ARTHURIAN LEGENDS IN JUDAEO-GERMAN

Hebrew-German Romances and Tales and their Relation to the Romantic Literature of the Middle Ages. Part I. Arthurian Legends. By Dr. LEO LANDAU, M.A. *Teutonia*, Heft 21. Leipzig: AVENARIUS, 1912. pp. lxxxv + 150.

It has long been known that many of the most popular romances of the Middle Ages existed in Judaeo-German versions. Steinschneider in the *Serapaeum* gave a list of them almost at the beginning of his career as bibliographer, and treated the subject occasionally in his *Hebräische Bibliographie* and systematically in his *Volksliteratur*. The romances spread throughout Europe and formed a link between all the nations from Iceland to Spain; from Russia to Ireland. It is a mistake to think that the Jews were in any way isolated from the general course of European culture during the Middle Ages. In some directions, indeed, they formed a link between Orient and Occident, notably in the case of the so-called fables of Bidpai, better known in Jewish literature by the title of *Kalila wa-Dimna*. It is not, therefore, surprising to find that the German Jews of the later Middle Ages translated or adapted many of the most popular romances, such as the Dietrich saga, Flore and Blanchefleur, Emperor Octavian, Preciosa, Paris and Vienne, and Sir Bevis of Hampton, the last known as the 'Bovobuch'. But the form in which these were written or printed was late, and these romances had not hitherto attracted the attention of philologists like the French

glosses of Rashi and the Tosaphists, which sometimes give the earliest form in which certain French words occur. Jewish scholars again have neglected them because they are what I have named elsewhere 'terminals', the end links of the chain of literary tradition and not, as in the case of *Kalila wa-Dimna*, a 'junction' from which a large number of trains of tradition emerge.

Dr. Leo Landau, in this valuable work, removes this reproach from Jewish science and gives, for the first time, an adequate edition of one of these Judaeo-German romances, with all the learned accessories which we are accustomed to accept from the hands of a trained philologist. He has chosen, for his first contribution to this subject, the 'Artus-Hof', a fourteenth-century imitation of Wirnt von Gravenberg's epic poem, 'Wigalois'. He has made use of two MSS. and eight printed editions, the first of which was printed by Joseph of Witzzenhausen, the Amsterdam printer of the seventeenth century who got into trouble for printing a rival Judaeo-German translation of the Bible (Graetz, X, 298). Dr. Landau takes as the basis of his text the Hamburg MS. of the beginning of the sixteenth century, but prints also, side by side with it, Wagenseil's edition of 1699. The Germanist has thus before him all the material needed for working on this curious relic of mediaeval German romance.

But Dr. Landau is not content merely with providing a text, or rather two texts; he has with great thoroughness worked out all the inductions and deductions which the student of mediaeval German and of the history of romance could derive from his text. After a couple of introductory chapters giving in succinct form a valuable summary of what is known of the Jewish popular literature of the Middle Ages, he then gives details of his edition. The seventh chapter of his Introduction is little less than a complete grammar of the dialectal peculiarities of the language used by the author, which he decides to be a Western Middle German dialect of Rhenish Franconia, probably written by an inhabitant of Worms. His eighth chapter on the 'Sources' is equally elaborate, and he proves conclusively that the author of

the Judaeo-German 'Artus-Hof' derived his poem from the above-mentioned epic, 'Wigalois', and not from the prose version, as has been hitherto assumed. But the Jewish romance writer uses considerable freedom with his original, improving it, in Dr. Landau's opinion, by judicious excisions and reduction of the *longueurs* of the original. He also introduces a new incident from another Middle High German romance of Rudolf von Ems. The book is completed by a reproduction of the prose version of the romance printed at Frankfort on the Oder in 1789, and by four facsimiles of the MSS. and editions used.

I have thus roughly summarized the conclusions of the learned editor, without comment or criticism, for which I frankly do not feel competent. The editor's thorough mastery of the subject, both as regards language-form and subject-matter, is so conspicuous that it would be presumption on the part of any person who has not given considerable attention to the subject to disagree with his results, which seem based on a most thorough investigation. His book is quite a contribution to Middle-German philology and to Judaeo-German literature, besides throwing an interesting side-light upon Jewish *Kulturgeschichte*.

JOSEPH JACOBS.

New York.

RECENT WORKS ON MAIMONIDES

- La Métaphysique de Maïmonide.* Par LOUIS-GERMAIN LÉVY.
Dijon: BARBIER MARILIER, 1905. pp. 149.
- Maïmonide.* Par LOUIS-GERMAIN LÉVY. (*Collection des Grands Philosophes.*) Paris: FÉLIX ALCAN, 1911. pp. 284.
- Moses ben Maimon (Maimonides).* Sein Leben und seine Werke.
Von Dr. J. MÜNZ. Frankfurt am Main: KAUFFMANN, 1912.
pp. 335.
- The Eight Chapters of Maimonides on Ethics (Shemonah Peraḳim).*
A Psychological and Ethical Treatise. Edited, annotated,
and translated with an introduction by JOSEPH I. GORFINKLE,
Ph.D. (*Columbia University Oriental Studies*, vol. VII.)
New York: COLUMBIA UNIVERSITY PRESS, 1912. pp. xii +
104 + 55.

We have before us several books on Maimonides in French, German, and English which complement each other. They have all been written entirely or in great part during the last two or three years—a good sign of continued interest in the writings of our great thinkers of the Middle Ages.

I arranged them above in chronological order, but logically Münz's work comes first, containing as it does a general sketch of Maimonides's life, works, and many-sided activity. It is a popular volume and decidedly readable and up to date. It is divided into seven chapters treating of Maimonides's youth and early writings; of his commentary on the Mishnah; of his activity as a Rabbinical authority; of his great Rabbinic code, the *Yad ha-ḥazakah*; of his philosophic masterpiece, the *Guide of the Perplexed*; of his activity as physician and medical writer; and of his character, family life, and death. The book is

naturally not exhaustive, nor does it pretend to originality. It draws considerably on the material contained in the first volume on Moses ben Maimon published in 1908 by the Berlin *Gesellschaft zur Förderung der Wissenschaft des Judenthums*, a very important volume, by the way, on the various aspects of Maimonides's work. The volume of Münz is valuable as a popular sketch in non-technical phraseology for the general reader who may not be attracted by the more formidable aspect of the other volume just referred to.

Having acquired a general idea of Maimonides as a great Jew, a great authority in Rabbinic lore, a great physician both in theory and in practice, and a great thinker—the greatest that mediaeval Jewry has produced, the reader is prepared to study more carefully one particular aspect of Maimonides's varied activity, and the most striking is undoubtedly his work as a philosopher and theologian. Louis-Germain Lévy, the Rabbi of the 'Union Libérale Israélite', shows in the two works at the head of this article that he is quite competent to treat of this aspect of Maimonides's work. The first treatise, written in 1905 on the Metaphysics of Maimonides, contains nothing that is not found in his later and more complete work published in 1911 as one of the volumes in the series of 'Great Philosophers'. On the other hand, the later work reproduces bodily the earlier work with very slight changes in phraseology, but it enlarges it considerably, especially in the chapter on the influence of Maimonides, which, though brief, is excellent and complete in outline.¹ The chapters on theoretical and practical ethics are new in the larger work. Lévy's work on Maimonides is at the present time the best monograph we have on the philosophy of Maimonides. Naturally here also there was not much room for originality, as the ideas of Maimonides are pretty well known

¹ Recently Prof. Crawford, of the University of Pennsylvania, discovered Maimonidean influence in a Spanish work of the fifteenth century. See 'The Visión Delectable of Alfonso de la Torre and Maimonides's Guide of the Perplexed' in the *Publications of the Modern Language Association of America*, XXVIII, 2, pp. 188-212.

and have been treated at length in various special monographs. Thus Scheyer wrote on Maimonides's psychology, Rosin treated of Maimonides's ethics, and Kaufmann discussed Maimonides's doctrine of divine attributes. Joel wrote a sketch of Maimonides's system as a whole. What originality the volume possesses is to be found in the arrangement of the material, which is divided into twelve chapters. In this he differs from Guttman, whose excellent monographs on Saadia, Gabirol, and Abraham Ibn Daud follow closely the exposition of the authors treated.

To come to details, one feature to be noted in all recent works on Jewish philosophy is the emphasis put upon the influence of Philo on mediaeval Jewish thought. This used to be denied formerly, since there was no evidence of a direct acquaintance with the writings of Philo on the part of the Jewish mediaeval writers. To be sure, no one denied that indirect influence there was, through Neo-Platonism as embodied in the so-called 'Theology of Aristotle', and through the Church Fathers who exerted some influence on the early Arabic speculation. But since the article of Poznański in the *Revue des Études Juives*, showing that some of the Karaites apparently had some knowledge of Philo, all writers give prominence to this matter. There is danger, it seems to the present writer, of exaggeration in this respect. The allusions to Philo in the fragments quoted by Poznański are not very definite, and as long as one knows precisely what the evidence is there is no danger, but as statements are passed on from one book to another, they are likely to become more positive than the state of the evidence warrants.

It is surprising to find that Levy (p. 6) attributes the anonymous work on the *Reflections of the Soul* to Baḥya. It was recently edited by Goldziher, and the general opinion seems to be that it is not Baḥya's.

Levy says in a note (p. 51, note 3) that the doctrine of attributes originated with the Neo-Platonists. The present writer has a suspicion, though it needs verification, that the origin of the doctrine of attributes is to be sought in Christianity. To be sure, Neo-Platonism played a great rôle in the elaboration of the

Christian Trinity, and we may say that the doctrine of attributes was the result of the mutual interaction of Christianity and Neo-Platonism. It is of interest to compare Saadia's three attributes, Life, Power, and Wisdom, with those given by Elias of Nisibis, a Syrian Christian, viz. Essence, Wisdom, and Life.²

Lévy's defence of Maimonides against the charge of agnosticism (pp. 141, 222 ff.) is interesting and in the main correct. Maimonides's negative theology does involve also a positive theology, as it does too with Philo. And yet when we come to fix this positive theology we find that while perfection and active thought are the terms used, they must not be given the ordinary meanings assigned to these words, and we are again in the dark.

Equally interesting and meritorious is Lévy's discussion (pp. 189-90) showing that with Maimonides Knowledge of God and Love of God are identical, and hence he is not a dry rationalist and intellectualist merely.

The dissertation of Gorfinkle takes us still closer to Maimonides himself by introducing us to a text, the so-called 'Eight Chapters', serving as an introduction to Maimonides's commentary on Aboth, and presenting a sketch of an ethical doctrine. Unlike the books just discussed, Gorfinkle's work is not concerned so much with Maimonides's ideas as with the text of a particular treatise. The eight chapters were written by Maimonides in Arabic. They were translated into Hebrew by Samuel Ibn Tibbon. The Hebrew text has been reprinted a great many times, and the majority of editions contain a great many errors, which in some cases make the meaning hard to decipher. Gorfinkle did a meritorious service in his endeavour to establish the Hebrew text of Samuel Ibn Tibbon by using a number of early prints and MSS. Thus he used a MS. in the British Museum dated 1273, a MS. Maḥzor of the fourteenth or fifteenth century, a Soncino edition of about 1484-5, and a Mishna text with Maimonides's commentary dated Naples, 1492.

² See Graf, *Die Philosophie und Gotteslehre des Jahya Ibn 'Adi*, Münster, 1810, p. 52; also p. 32, note.

The text is provided also with an English translation, which, though not literal, is in the main precise and adequate. A very good introduction discussing Maimonides's writings in general and his ethical writings in particular, the contents of the 'Eight Chapters', Samuel Ibn Tibbon as a translator, a list of MSS., editions, translations, and commentaries of the 'Eight Chapters', adds completeness to this meritorious and useful production.

ISAAC HUSIK.

Gratz College.

JEWISH ESSAYS AND HOMILETICAL LITERATURE

Essays. By JOSEPH STRAUSS, Ph.D., M.A. London: The
WALTER SCOTT PUBLISHING COMPANY. pp. 264.

What is Judaism? A Survey of Jewish Life, Thought, and
Achievement. By ABRAM S. ISAACS, Ph.D., Professor of
Semitics, New York University. New York: G. P. PUTNAM'S
SONS, 1912. pp. x+206.

A series of well-written essays on Jewish themes by Jewish writers is always a desideratum. Such are furnished in two small volumes, the one by Joseph Strauss entitled *Essays*, and the other by Abram S. Isaacs entitled *What is Judaism?*

The author of the first of these little books is an English rabbi, born and educated in Germany. His essays are largely of a biographical nature, and are objective statements, educational and informing in character. The choice of subjects shows the popular and yet cultural purpose of the author: Hillel, Spinoza, Mendelssohn, Kant, Goethe's Mother, Heine, Woman's Position in Ancient and Modern Jewry and Zionism exhausts the category. The writer's style is lucid; his statements beautifully simple, and his information accurate. He does not aim at original research work, but to present the main facts already ascertained in concrete form. In his presentation of Hillel he does not hesitate to explain and illustrate his seven hermeneutical rules, as well as giving the anecdotes illustrating his personality and teaching.

So in the essay on Spinoza, in the clear, brief and simple statement of his life, he yet finds opportunity to explain some of the fundamental principles of his philosophy and ethics. So far as Spinoza's attitude towards Judaism and his relations towards the Jewish community is concerned, the explanation

afforded is decidedly favourable to the philosopher, although he declares: 'One cannot, however, acquit him of a certain degree of animosity which he showed therein (the Theological-Political Treatise) against Judaism, and even led him to an incorrect interpretation of a few passages of the Hebrew Bible.' The author's opinion of woman's position in Jewry may be understood from his own summing up: 'It will command the approval and admiration even of our modern suffragettes.' This he illustrates in various ways, e.g. in Marriage, Polygamy, Divorce, Family, Education, Society, Public Life, Learning, and Woman's Rights. Altogether the book is one to be read with pleasure and profit by the general educated reader.

Doctor Abram S. Isaacs is well known as rabbi, teacher, and author. He has written a number of Jewish books of a popular nature. This collection of articles, written at various times and for a number of periodicals, have yet a certain unity that justifies their assembly in this volume under a common title and description: 'A Survey of Jewish Life, Thought, and Achievement. The subjects that he selects are those which are current in these days, although there is something repellent to the faithful in such interrogations as 'What is Judaism?' 'Has Judaism a Future?' 'Is Judaism necessary to-day?' 'What makes the Jew?' These, however, are not the only themes. The author discusses such subjects as 'The Jew and the Currents of his Age', 'Jewish History', 'Jewish Literature', 'The Talmud in History', 'The Cabbala', 'The Story of the Synagogue'. His style is simple and pleasing, and his message directed to the intelligent but uninformed reader. He hopes to overcome ignorance and de-traction by 'a clear and forceful exposition from the Jewish point of view, which, while preserving a fair and sober estimate, shall tell dispassionately and convincingly what is to be said without heat or prejudice'.

Doctor Isaacs is dispassionate, but not convincing. His views are hazy, and his easy-going liberalism lacks fire and force. We lose ourselves in the desire to placate. There is, however, much useful information on Jewish topics contained in the book.

Die Seele Israels: Zur Psychologie des Diasporajudentums. Von Dr. DANIEL PASMANIK. JÜDISCHER VERLAG, Köln und Leipzig, 1911. pp. xvi+111.

If simply regarded for its brilliant style, the Zionist treatise of Doctor Daniel Pasmanik, entitled *Die Seele Israels: Zur Psychologie des Diasporajudentums*, would be well worthy of attention. It is a remarkable illustration of sustained and forceful statement throughout its 111 pages. The undertaking is to analyse the spiritual condition of Israel in the Diaspora and to show the absence, the necessary absence, of all original productive achievement during this extended interval.

The argument runs somewhat as follows: With the loss of national territory, the basis of development was lost. All the forces were at first directed towards preserving the national soul. The Jews became a people of hope, with past and a future, but no present.

The sheer unyieldingness that the Jew developed in the sphere of ideals and spiritual values was a marked feature of the era, justified by his past achievements, and characteristic of his radical nature. The author properly observes that it is not even necessary to assume that all of ancient Israel's treasures were absolutely original and indigenous; it is enough that the Jews grasped them, incorporated them into their lives, and breathed a living spirit into them, for it is only the living that counts in life.

He then develops his theory of the correlation of *Werthe* (spiritual values or possessions) and *Würde* (dignity, honour). In the early centuries the Jew maintained the *Werthe* even at the total sacrifice of the *Würde*. His existence was a wretched one, dependent upon the grace of external influences, but always maintaining the hope of eventual deliverance that became more and more divorced from his own active agency in securing that end. His thesis is that this resulted in sterility. Nothing original could be produced. The Jews became a race of middlemen, purveyors of the productions of other races; their own activity confined to some modification of foreign productions

or the writing of commentaries. He would deny originality even to the Talmud outside of the Mishnah that was native to Palestine. In the Spanish period he finds nothing reflecting Jewish development outside of the poems of Gabirol, that long for a restoration and the lyric greatness of Judah Halevi, the great advocate of Israel's national existence. Of Maimonides he disposes with a slurring allusion to his apology for enforced conversion. So he describes the growing deterioration into mysticism the result of the contradiction between unyielding insistence on the eternal ideals on the one side and the servile adaptation to foreign life on the other. Dignity was lost, but the spiritual values remained. These consisted of the Messianic idea of a future kingdom of God that possessed as essential features a holy people and a holy land. The period of the Kabbala he describes as one of ecstasy without *Werthe* or *Würde*. The emancipation and the breakdown of the Ghetto is identified with the sacrifice of *Werthe* for *Würde*. Spinoza's work was not Jewish, and Mendelssohn unwittingly contributed towards the dissolution of the Jewish spirit. This destruction of Jewish unity, the denial of Jewish national identity, was comparable to the destruction of the Temple. The disillusionment that came with Antisemitism only disclosed the springs of Jewish life that had always existed, and must bring about the rehabilitation of the Jewish nation, combining *Werthe* and *Würde*, and restoring its power of originality, its creativeness and development. This would come not through assimilation, nor nationalism, but through Zionism. The groundwork had been begun, the superstructure of the Temple was reserved for later generations. It remained for the 'élite', the true leaders of the people, to give the initiative.

The work it will be seen is propagandist in its nature, and is a Zionist analysis of Jewish history and character. Despite its derogatory views of Jewish achievement, it is marked by depth of thought and perspicacity and largeness of vision. The treatise has been translated into Hebrew and Russian. Following in the spirit of Achad Ha'am, it is another evidence of the spirit and force that Zionism has summoned into its service.

David Einhorn. Memorial volume. Selected Sermons and Addresses, edited by KAUFMANN KOHLER. A Biographical Essay by KAUFMANN KOHLER. A Memorial Oration by EMIL G. HIRSCH. Limited edition. New York: BLOCH PUBLISHING COMPANY, 1911. pp. viii + 482.

A collection of German sermons of Doctor David Einhorn in a memorial volume on his hundredth birthday has enriched our homiletic literature. Einhorn's career covered the heart of the nineteenth century, and he was thoroughly characteristic of the German reform rabbi of that period. He came to his task well equipped with both Jewish and secular knowledge, and his sermons, though not pedantic, show a grasp of the subjects of which he treats. His sermons cover his career whilst in Europe, in Schwerin and Pesth; as well as in America: Baltimore, Philadelphia, and New York. Einhorn is the controversialist in the pulpit. His sermons teem with polemics, in form as well as in content. His thought is trenchant, sometimes sarcastic and witty, never pedantic, and rarely dull. He often employs allegorical interpretation, seldom tells a story or paints a picture. His style and language is simple and direct. His treatment clear and logical and his illustrations apt. Both in the subjects chosen and in his manner of dealing with them, Einhorn fully reveals the issues of his day. What he himself thinks of the function of the Jewish sermon may be gleaned from his own statement as follows: 'But the sermon also requires a fundamental reform, if it is to quite fulfil its high purpose. It must not consist in hollow "fine talk" and content itself with glittering adornment; it may not find its triumph in sentimental emotions and tearful eyes; it would then only blind instead of enlightening, inflame the imagination instead of moving the heart. The people hunger and thirst for instruction. With tear drops, however, we cannot assuage thirst, and with golden froth cannot still hunger. The people must and will have explanation of the great burning religious questions of the present day; with little speech artifices, however, these questions are only evaded, and an unworthy game of hide and seek is played that not only sets no

dam to the religious indifference that has set in amongst us, but gives it the greatest impetus. The Jewish sermon has the duty to lift the pearls of thought out of the deep mine of a four-thousand-year past to enable the congregation to cast a glance into the immeasurable treasury of ideas of the Bible and Talmud and the Midrashim, to show it the proud spiritual tower at which Israel even with wounded limbs has untiringly been employed for the welfare of mankind, and to show at the same time by how much the structure rises upwards the more it emerges out of the national limitations and recognizes its world-wide mission; how its incomparable history became the wine-press in which the shattering blows and the feet of the enemy led to an ever-increasing purifying and cleansing of the law and doctrine from its petrifying lees; how the forms of Judaism have been subject to change not only since to-day and yesterday but from antiquity according to the requirement of every age, but that its divine substance in no wise suffered loss by these changes, but on the contrary developed ever more gloriously; and how therefore the true reform consists not in tearing down but in extending and building on; not in rendering waste but in freeing the vineyard of stones. It must not be thought that the sermon may present the materials of instruction bare and dry; called to impress the spirit and the feelings, it must endeavour to combine the gentle and attractive with the earnest and the strong; the more precipitous the ascent up which it would lead the congregation the more is it bound to strew it with flowers; but these flower-bands must serve only to climb to the fertile mountain-tops of the divine law, and from this lofty standpoint to nurture the noble vintage of a God-pervaded life.'

The collection of sermons here given is divided into three groups: Inaugural and Farewell sermons; Addresses on National Memorial days and extraordinary occasions; Holiday and Sabbath discourses.

His attitude on religious and political questions is that of the Jewish assimilationist. Judaism must be changed to meet the conditions of the age and environment. Form and substance

alike must be altered. All nationalist elements must be removed: no return to Palestine, no rehabilitated service or organic existence. Yet he is not entirely consistent; for he believes in Israel as a priest people, opposes mixed marriages, and would preserve the Sabbath on the seventh day of the week. Though he would banish prayers in Hebrew, he declares German absolutely essential here in America. Germany is the land of culture in which Reform Judaism was born. 'Take away from it', he says, 'the German spirit, or what is the same thing—the German language—and you have torn away from it the mother-soil, and it must wither away, the lovely flower. The English sermon can have for its mission nothing else than to utilize the treasures of the German spirit and German literature for our religious life and therewith to enrich it. In a word: where the German sermon is banned, there the reform of Judaism is nothing more than a brilliant gloss, a decorated doll, without heart, without soul, which the proudest temples and the most splendid choirs cannot succeed in infusing with life.' Not the least remarkable feature of this striking statement is its close approximation to the truth.

The style and content of the Jewish sermon have changed somewhat since Einhorn's days, and his religious position is of interest, mainly to the student of Jewish history.

The Discipline of Sorrow and Other Papers. By S. ALFRED ADLER, Late Minister of the Hammersmith Synagogue. London: GEORGE ROUTLEDGE & SONS, Ltd., 1911. pp. vii + 150.

The Discipline of Sorrow is a little volume of sermons and writings of S. Alfred Adler, the son of the late Chief-Rabbi of England, Doctor Hermann Adler. The son himself preceded his father into eternity, and this collection is in the nature of a memorial wreath, formed of the flowers of his own thought. There are three sermons; five religious causeries on various

Jewish holidays; one on the death of Herzl; and four travel sketches.

The sermons are lyric productions of a young man of high ideals who comes to the pulpit with Jewish sentiment and sympathy and a wide reading of English literature and especially poetry. His nature is deeply religious, and his words breathe the faith which inspired them. They are perhaps none the less helpful because the work of a young idealist, whom the rough contact with life has not shorn of his native high spirit and hope. He is not robust, and his writings indicate the gentleness of suffering. The sermon that gives the volume its name tells of the ennobling influence of pain endured with faith. His concept of 'the Duties of a Jewish Minister', another sermon, is that of a man inspired by the sincerity and conviction, devoted to the service of God, and earnest in teaching by precept and example the truth and beauty of a religious character. In his 'Smoke in the Flame', he deplores the invasion of commercialism into the management of a congregation. Thus his efforts in this direction are of a general elevating and edifying nature, but there is little that is definite and constructive.

In his holiday reflections he sounds the central themes of the day, and thus furnishes appropriate reading for such an occasion to those devoutly disposed.

His travel sketches are marked by fine and poetic perception, and his impressions of places and characters are presented with much vividness and force.

CHARLES I. HOFFMAN.

Newark, N. J.

A VOLUME OF THE BOOK OF PRECEPTS
BY ḤEFEŞ B. YAŞLIAḤ

EDITED FROM AN ARABIC MS. IN THE LIBRARY OF THE
DROPSIE COLLEGE, TRANSLATED INTO HEBREW,
AND PROVIDED WITH CRITICAL NOTES AND
AN INTRODUCTION

BY B. HALPER, Dropsie College.

INTRODUCTION

I

THE ENUMERATION OF PRECEPTS

ALTHOUGH the Mosaic laws must have been exhaustively summed up during the early tannaitic period, no exact number of precepts contained in the Pentateuch is found in the Mishnah or Tosefta. The first indisputably explicit statement that the Lord gave Moses 613 precepts at Mount Sinai is that of R. Simlai,¹ a preacher of the third Christian century.² At first sight one is inclined to assume that R. Simlai is responsible for this far-

¹ This is the traditional pronunciation of this name. In Ezra 2. 46 we have the *Ketib* שִׁמְלִי and *Kerē* שְׁלִמִי. Comp. Gen. 36. 36. Accordingly we ought to pronounce it *Samlai*.

² דרש רבי שמלאי תרי"ג מצות נאמרו לו למשה שלש מאות וששים וחמש לאוין כמנין ימות החמה ומאתים וארבעים ושמונה עשה כנגד איבריו של אדם. *R. Simlai preached: six hundred and thirteen precepts were revealed unto Moses, three hundred and sixty-five negative precepts, like the number of the days of the solar year, and two hundred and forty-eight positive precepts, corresponding to the number of the limbs of the human body (Makkot 23 b).*

reaching statement. Moïse Bloch who adopts this view gives an elaborate explanation of this talmudic passage.³ It is well known that many religious disputations took place between Jews and Christians during the third and fourth centuries. To some extent there was a danger that the line of demarcation between Jews and Christians would be removed, especially on account of the Jewish Christians. R. Simlai, a contemporary of Origen with whom he probably had some discussions, foresaw this danger, and in order to guard against the possible abrogation of certain ordinances, declared that just as the organization of the human body and the course of the sun are immutable, so are the Mosaic laws. Accordingly, the number 613 is not to be taken mathematically but symbolically. R. Simlai never meant to convey that all the Mosaic precepts amount to 613, but wished to emphasize their immutability by comparing them with two immutable phenomena of nature whose sum is 613.

However fascinating this theory may appear, there are serious objections which tend to invalidate it. To begin with, this number is found in the Midrashim, and is spoken of by subsequent Amoraim, as a fixed dogma.⁴ Had R. Simlai been the originator of this number, this statement would have been ascribed to him in at least one passage. One would expect to find such an assertion introduced by some such words as כדאמר ר' שמלאי, as is customary throughout the Talmud. It is almost inconceivable that

³ *RÉJ.*, I, p. 208.

⁴ See *Tanḥuma*, *Ki Tēṣē*, ed. Buber, 2; Exod. Rabba 32. 1; Num. Rabba 13. 16; 18. 21; Shabbat 87 a; Yebamot 47 b; Nedarim 25 a; Shebu'ot 29 a. In all these places the statement that there are 613 precepts is indirectly referred to, and is obviously taken as a well-known fact.

a statement for which an individual preacher is responsible should be quoted as a self-evident truth which requires no support. Nobody in the Talmud or in the Midrash entertains any doubt as to the accuracy of the number. Such a fact would be all the stranger if R. Simlai intended that number to be symbolical. For it is obvious from the midrashic and talmudic passages that this number was taken in its mathematical sense.

Moreover, there are two passages in which Tannaim of the second century are credited with the knowledge of this number. In the Mekilta⁵ R. Simon b. Eleazar is reported to have said: והלא דברים קל וחומר ומה בני נח בשבע מצות בלבד לא יכלו לעמוד בהם בשש מאות ושלוש עשרה על אחת כמה וכמה. *If the children of Noah could not fulfil seven precepts, how much less will they be able to fulfil six hundred and thirteen!* It should be observed that this passage offers no conclusive evidence, since at the beginning the number is not mentioned, and Bloch may be right in considering it a later interpolation. Weiss,⁶ whom Bloch does not quote, arrives at the same conclusion, because in *Yalkuṭ Shim'oni* the number is missing. This point, therefore, need not be pressed. The other passage, however, is of greater weight. It occurs in Sifre,⁷ and is as follows: אמר רבי שמעון בן עזאי והרי ג' מאות וישישים וחמש לא תעשה בתורה ואין בכל המצות כיוצא בזה לומר מה דם שאין בכל המצות קל ממנו הזהירך הכתוב עליו שאר כל המצות עאכ"ו. *R. Simon b. 'Azzai says: There are three hundred and sixty-five negative precepts in the Torah, and no such statement is made about any of them; this indicates that, if Scripture warned thee against blood which is the*

⁵ Yitro, Baḥodesh 5 (ed. Weiss, p. 74 a).

⁶ In a note to that passage.

⁷ Deut., § 76 (ed. Friedmann, p. 90 b).

lightest of all precepts, how much more art thou warned with regard to other precepts! Here we even have the exact number of the negative precepts. There is no possibility of interpolation, unless the whole passage is corrupt, or the name of the Tanna is to be replaced by that of an Amora. But as there is no independent reason for doubting the authenticity of this passage, it must be allowed to stand as it is.

A weighty objection to Bloch's view is also furnished by the very passage in which R. Simlai's statement is recorded. The explanation which that Amora offers is too flimsy to have suggested the number. Had he been at liberty to choose any number he pleased, he would have adopted one which would have made the thought of immutability more evident. For few people would associate the days of the year (not the course of the sun) and the members of the human body with the idea of immutability. Moreover, he might have at least chosen the lunar system rather than the solar. The impression one gains from that passage, therefore, is that R. Simlai offered a homiletic explanation for a well-known tradition. The novelty of his exposition does not lie in the number, but in the reason which he assigns to it.

There is accordingly nothing against the view of regarding this number as a tannaitic tradition. The scribes who counted every letter of the law⁸ could not have neglected to investigate the number of precepts. Bloch objects to this hypothesis, because by fixing the number of precepts the scribes would have been barred from finding a basis in the Pentateuch for their innovations; and a distinction would have been drawn between Mosaic and later ordinances.⁹

⁸ Kiddushin 30 a.

⁹ *REJ.*, I, p. 200.

This is, however, no weighty objection, as such a distinction would be noticed even if the precepts were not counted. The Rabbis in any case differentiated between Mosaic laws (דבר תורה) and Rabbinic institutions (דברי חכמים). Nowhere is there a tendency to consider the two as one category.

But beyond a mere statement, no indication is found in talmudic or midrashic literature as to the actual enumeration. Nor is there any reference to a method by which the number 613 is to be obtained. The earliest attempt known to us to give the individual precepts is that found at the beginning of the *Halakot Gedolot*. The authorship of this halakic work is variously attributed to R. Jehudai Gaon and to R. Simon Kayyara. Hardly anything is known of the life of either of these men, but it is certain that they flourished in the eighth century. Two different recensions have been transmitted, and there can be no doubt that the text, which is sometimes inconsistent, has been tampered with.¹⁰

A number of Halakists must have followed the method of the author of the *Halakot Gedolot* whom they recognized as the foremost authority. For Maimonides, who severely criticizes this method, remarks: ¹¹ לאן כל מן עני בעדא או בוצע כתאב פי שי מן הוא אלגנץ קד תבעו כלחם צאחב הלכות גדולות ולא יחדיון ען אנראצה ¹² פי עדרהא אלא תחריפא יסירא כאן אלעקול וקפת ענר קול הוא אלגנל. *For all who occupied themselves with enumerating them (the precepts) or with composing a book on this subject followed the author of the Halakot Gedolot, and they only slightly deviated from his opinions, as if the*

¹⁰ See L. Ginzberg's thorough and ingenious discussion of this subject in his *Geonica*, vol. I, pp. 99-117.

¹¹ *Sefer ha-Miẓvot*, ed. Bloch, pp. 4 ff.

¹² اغراض denotes here *opinions, views*. See Dozy, s. v.

intellects stopped still at the decision of this man. These works, however, are not preserved. Instead, we have a number of *Azharot* which enumerate the precepts in poetic form. The oldest extant is that which begins *אתה הנחלה*. The author of this composition is unknown, but it is surmised that he flourished in the eighth century, and was influenced by the *Halakot Gedolot*. Judging by the number of *Azharot* that have been transmitted, it seems that almost every liturgic poet took the precepts as his theme. Sa'adya Gaon, with his amazing versatility, composed two such poems. Some writers even tried their skill in employing the Arabic language to enumerate the precepts in metrical and rhyming lines. Fragments of two such attempts, obviously by different authors, are found at the Dropsie College. Although the *Azharot* seldom had any halakic value, they exercised some influence as liturgic compositions. They reached their culminating point in Ibn Gabirol whose *Azharot* are still recited in some congregations.

While practically all these writers followed the author of the *Halakot Gedolot* blindly, Hefes b. Yaşliaḥ seems to have questioned the validity of that method. Here again we have the testimony of Maimonides who observes:¹³ *צאחב כתאב אלשראיע אלמשהור ראיתה תנבֿה עלי נז יסיר מן והם צאחב אלהלכות ועטם ענדה אן יעד בקור חולים וניחום אבלים כמא עד צאחב אלהלכות.* *The author of the famous Book of Precepts (or the famous author of the Book of Precepts) took notice of the errors of the author of the Halakot Gedolot, and considered it strange that visiting the sick and consoling the mourners should be counted, as did the author of the Halakot. It is the merit of Rapoport to have been the first to suggest that*

¹³ *Op. cit.*, p. 5.

by 'the author of the famous Book of Precepts' Ḥefes b. YaṣliaḤ is meant.¹⁴ This conjecture finds striking confirmation in Judah ibn Bal'ām's commentary on Deuteronomy. For in that passage it is explicitly stated that Ḥefes had objected to the method of a writer who had included the visiting of sick and the consoling of mourners among the precepts.¹⁵ Maimonides, who was in this respect anticipated by Ibn Bal'ām,¹⁶ found the method of Ḥefes inconsistent.¹⁷ He therefore laid down fourteen principles (אצול), in order to guard against all possible fallacies. Although Maimonides is not quite free from inconsistencies, as was shown by Naḥmanides in his *Refutations* or *Objections* (השנות), it must be granted that for logical enumeration he deserves the palm. Subsequent writers, like Moses of Coucy and Isaac of Corbeil, follow him with but few deviations.

It may thus be said that there are three main systems in enumerating the precepts: (1) that of the Halakot Gedolot; (2) that of Ḥefes b. YaṣliaḤ; and (3) that of Maimonides.

Against the literal interpretation of the idea that there are 613 precepts in the Pentateuch, protests were now and again heard. Judah ibn Bal'ām was, as far as is known, the first who sounded this protest.¹⁸ He blames all those who enumerated the precepts, and points out that there are two kinds of precepts: those that were enjoined for ever

¹⁴ See *Ḳeḇuṣat Ḥakamim*, p. 58.

¹⁵ וקר כאן [רב חפין] אנכר עלי מן אדכל פי גמלה אלשראיע בקור
חולים וניחום אבליים (Commentary on Deut. 30. 2, ed. Fuchs).

¹⁶ *Loc. cit.*

¹⁷ *Loc. cit.*

¹⁸ Bloch, who wrote before Ibn Bal'ām's commentary on Deuteronomy was published, stated that Ibn Ezra was the first (*REJ.*, I, p. 210).

and those that were given only for one occasion. Now if the former alone are counted, they would not amount to the required number, while if we also include the latter, they would exceed that number.¹⁹ Ibn Ezra²⁰ deals at length with this question, and employs logical arguments against all systems. His criticism is chiefly levelled at the liturgic writers. He likens them to a man who counts the number of herbs that are mentioned in a book on medicine, without knowing their use.²¹

It is noteworthy that the objection came from writers who were not specialists in Halakah. For although Ibn Bal'ām cultivated the study of Halakah in his old age, he can hardly be regarded as a specialist in that branch. Moses ibn Ezra in his *Kitāb al-Muḥāḍarah wal-Mudākarah*, while speaking of the Jewish scholars in Spain, says of Ibn Bal'ām: אלתחפה פ' אכר עמרה, *who studied Halakah during the latter part of his life*,²² but does not style him a Halakist. The only Halakist who was undecided on this matter is Nahmanides—that complex soul combining rationalism and mysticism—who expressed his doubts whether the Talmud meant this number to be taken seriously.²³ But even he, in spite of the difficulties he points out, is inclined to follow the majority. All other authorities have allowed this number to remain as a sort of dogma.

¹⁹ See passage *in extenso*, *loc. cit.*

²⁰ *Yesōd Mōrā*, chapter II.

²¹ והנה בעלי האזהרות דומים לאדם ישופר כמה מספר העשבים הכתובים בספר רפואות והוא לא יכיר מה תועלת בכל אחד מהם (towards the end of chapter II).

²² I take this quotation from Derenbourg, *Gloses d'Abou Zakariya Yahia ben Bilam sur Isaïe*, p. 7.

²³ See his השנות to Maimonides's *Sefer ha-Miṣwot*, at the beginning.

II

HEFEŞ B. YAŞLIAH

It is the fate of a good many Jewish writers that little or nothing of their lives and activities is known. Jews have always allowed books to supersede their authors. Even in the Bible, where every letter was scanned, many of the writers are not known by name, and it is only when an author accidentally revealed his personality that we know anything about him. This is perhaps to be accounted for by the nation's conception of inspiration. For only canonical books were preserved, and in such books the author is merely the vehicle of the word of God. Wellhausen somewhere accuses the Jews of ingratitude, because they failed to perpetuate the memory of the Maccabaeen heroes, and excluded from the Canon the books that relate their triumphs. But this again is in harmony with the Jewish conception. The Maccabees were the tools of the Almighty, and as such they deserved no credit, since God merely chose them to carry out His will, just as in former years He had chosen Assyria to punish His people.

It is, therefore, not to be marvelled at that Hefeş b. Yaşliah, whose books were for centuries lost sight of, is nothing more than a mere name. Early Jewish historical works, like Abraham ibn Daud's *Seder ha-Ḳabbalah* and Abraham Zakuta's *Yuḥasin*, pass him over in silence. The honour of having drawn the attention of scholars to the existence of this wonderful personality is due to Zunz. As early as 1832 he mentioned the name of Hefeş among the rational interpreters of the Bible in his *Gottesdienstliche*

Vortrage, p. 397. Ten years later he gave a brief sketch of this scholar in a note to Haarbrücker's *Specimen of Tanḥum Yerushalmi's Commentary on Judges*. For in his note on Judges 20. 28, Tanḥum quotes the Book of Precepts of Ḥefeṣ. Haarbrücker did not know the existence of such a writer, and he applied to Zunz for information.²⁴

When Rapoport wrote the biography of R. Ḥanan'el in 1830, he discussed in note 36 the authorship of the halakic work *Sefer Ḥefeṣ*, which was up till that time ascribed by most writers to that famous scholar of Ḳairuwān. Rapoport, however, found a number of difficulties, for some decisions quoted from the *Sefer Ḥefeṣ* are opposed to those that occur in the authenticated works of R. Ḥanan'el. Furthermore, in some passages both R. Ḥanan'el and the *Sefer Ḥefeṣ* are quoted, which makes it improbable to consider that scholar as its author. To overcome these difficulties, Rapoport made a sort of compromise: R. Ḥanan'el was the author of that book, but his disciples added some decisions and altered others.

In consequence of the suggestions thrown out by Zunz, scholars occasionally wrote about Ḥefeṣ. Fürst was, I believe, the first to connect Ḥefeṣ b. Yaṣṣiah with the *Sefer Ḥefeṣ*. In his *Literaturblatt des Orients* he gave two brief notices of Ḥefeṣ.²⁵ Using the sources indicated by Zunz, he added two important observations, and one of them is the identification of the *Sefer Ḥefeṣ* with the Book of Precepts. The other observation related to the place of residence of that author. For Zunz assumed that Ḥefeṣ had lived in Ḳairuwān, whereas Fürst suggested Babylon as Ḥefeṣ's place of residence. Neither Zunz nor Fürst had any valid reasons for their assumptions which they expressed

²⁴ See pp. x, xi and 53, 54.

²⁵ Vol. X, pp. 110 and 247.

with hesitation; but, as we shall see later on, a recent discovery proved the latter to be right. Two years later Reifmann published a short note in the same periodical, and without referring to any writer, identified the *Sefer Ḥefeṣ* with the Book of Precepts.²⁶

About 1860 Rapoport wrote three articles on Ḥefeṣ b. YaṣliaḤ which he sent to Stern. One of these articles, evidently the most complete, was published in *Kebuṣat Ḥakamim*.²⁷ There the view is expressed that Ḥefeṣ lived in Palestine, or rather in Jerusalem. No reference whatsoever is made to Zunz. The *Sefer Ḥefeṣ* is with great ingenuity and thoroughness ascribed to Ḥefeṣ. One of the other articles subsequently came into the hands of Halberstam who published it in Kobak's *Yeshurun*.²⁸ In that article Rapoport refutes the view of Zunz about Ḥefeṣ's place of residence, and adduces proofs that Palestine was the home of that Halakist. Other scholars who wrote a more or less complete biography of Ḥefeṣ are Steinschneider,²⁹ Ginzberg,³⁰ and Poznański.³¹

All that could be gathered with certainty at that time was that Ḥefeṣ was blind,³² and was styled by various writers Gaon,³³ Resh Kalla,³⁴ Alluf,³⁵ and Rosh Yeshibah.³⁶

²⁶ Vol. XII (1851), p. 617. Steinschneider, in a note in Benjacob's *אוצר הספרים*, p. 197, seems to doubt Fürst's priority. See Fürst's remark on Reifmann's note.

²⁷ pp. 52-60.

²⁸ Vol. VIII, pp. 57-65 (Hebrew part).

²⁹ *Arabische Literatur der Juden*, § 62. See bibliography cited there.

³⁰ *Jewish Encyclopedia*, s. v.

³¹ *אנשי קירואן*, pp. 24-8; *אוצר ישראל*, s. v.; *ענינים שונים*, p. 55.

³² Solomon Parḥon, in his *Maḥberet he-'Aruk*, s. v. *עמר* and *קצע*, refers to Ḥefeṣ as *שני נהור ראש ישיבה*.

³³ R. Moses of Coucy, *Sefer Miṣwot Gadol*, positive precept 48, p. 127 b; R. Abraham ha-Yarḥi in *Ha-Manhig*, p. 67 a.

³⁴ R. Jonah ibn Janāḥ, *Luma'*, p. 15.

³⁵ Alfasi, *Responsa*, 109.

³⁶ Solomon Parḥon, *loc. cit.*

A great deal of ingenuity was spent in attempting to determine the country in which he resided. In the absence of positive facts, imagination was allowed to roam unbridled. To the various opinions mentioned above should be added that of Poznański who suggested that Ḥefeṣ might have been a native of Spain, since the earliest writers who quote him belong to that country.³⁷ Fortunately, however, among the Genizah fragments at the Jewish Theological Seminary of America there is a letter which settles this question. The writer of that letter remarks: כי אותן העשרים זהובים שקניתי : בהם כתב המצות למרב חפץ אלוף בן יצליה האשורי ממנו לקחתם.³⁸ We thus know that Ḥefeṣ lived in Mosul, which Jewish writers called אשור. There certainly can be no reason for doubting the accuracy of this remark, as the writer of this letter seems to be well informed, and is very careful in placing the title Alluf immediately after חפץ in order to avoid the possibility of taking Yaṣliāḥ to be the bearer of that title.

As to the time when Ḥefeṣ flourished, we are less fortunately situated, and some uncertainty still exists. It is usually assumed that he lived towards the end of the tenth century. But despite the consensus of opinion on this point, there is no basis for this conjecture, for it rests on assumptions which proved to be incorrect. No positive evidence was adduced for this view. Zunz hesitatingly suggests that Ḥefeṣ is identical with the Alluf to whom reference is made by R. Hai Gaon in a Responsum.³⁹ In that Responsum it is stated that R. Hai had some

³⁷ אנשי קירואן, p. 25.

³⁸ See *JQR.*, New Series, I, p. 439. Professor A. Marx, to whom I am indebted for this sentence, assures me that nothing more can be gathered from that letter in connexion with Ḥefeṣ.

³⁹ Haarbrücker's *Specimen of Tanḥum Yerushalmi*, p. 54.

correspondence with an Alluf in the year 997 or 998.⁴⁰ Relying on this identification Steinschneider states that Ḥefes corresponded with R. Hai.⁴¹ But there was not the slightest justification for that identification, and it is more likely that the Alluf referred to is Jacob b. Nissim.⁴²

Scholars also attempted to fix the *terminus a quo* by the circumstance that Ibn Janāḥ is the earliest writer who quotes Ḥefes.⁴³ This is indeed a 'broken reed', for there probably was no occasion to quote him. If such an argument should be regarded as valid, we could place many an early writer at a late period. To mention only one glaring example. Nīsī al-Nahrwānī—an older contemporary of Sa'adya—who must have been a prolific hymn-writer⁴⁴ and scholar of high attainments, is only known from Nathan ha-Babli's report. When we consider the fact that many a scholar of past generations would have been doomed to oblivion, had it not been for some casual mention, it is impossible to lay stress on such an argument. Moreover, few books dating from the ninth and tenth centuries have been preserved, and, on the whole, writers of that period were not accustomed to quote their predecessors to a great extent. The talmudic and midrashic literatures alone were binding to them, whereas post-talmudic scholars had not yet acquired indisputable authority.

From the references to Ḥefes nothing positive can be gleaned. He is grouped together with other writers in

⁴⁰ תמים דעים, 119.

⁴¹ *Arabische Literatur der Juden*, § 62. See also Ginzberg, *Geonica*, I, p. 178.

⁴² Comp. Poznański, אנשי קירואן, pp. 15, 25, 32.

⁴³ *Op. cit.*, p. 25.

⁴⁴ There are a number of hymns by Nīsī in the Genizah fragments at the Dropsie College. Some of the acrostics spell out נִיסִי בֶן בְּרַכְיָה.

various ways. Thus Ibn Janāḥ mentions some of the reliable interpreters of the Bible in the following order: Sa'adya, Sherira, Hai, Samuel b. Hofni, Hefes.⁴⁵ That no stress can be laid on this order as regards chronology is evident from the fact that Hai is mentioned before Samuel b. Hofni. Then on the other hand Isaac ibn Gayyāṭ places Hefes before Sa'adya.⁴⁶ Also in a Genizah fragment, which is now at the Jewish Theological Seminary of America, Hefes is casually mentioned before Sa'adya and Samuel b. Hofni. It is a remarkable fragment, written in fluent rhymed prose, and seems to be a description of a trial before a judge. The writer was probably a copyist or bookseller by profession. The passage referring to the Geonim runs as follows:⁴⁷ [וּאֶרְאֶה כִּי אֶחָד] לִי חֵפֶן בְּדַבְּרֵי חֶפְ[ן] וְאֵין וְלֹא מִ[ח]יָּה בְּדַבְּרֵי רַבִּינוּ סַעְדִּיָּה וְאֵין יָדִי לֹאֵל בְּסַפְרֵי גֵאוֹן שְׁמוּאֵל. וְאֵין לִי מִמֶּשׁ כִּי אִם בְּמִכִּירַת הַחוּמִּי [ש] וְלֹא מִצְאָתִי מִנּוּה עַד שְׁמִכְרִי בְּרֵאשִׁית וְאֵלֶּה תּוֹלְדוֹת נֹחַ. That Hefes b. Yaṣṣīah is here meant cannot be reasonably doubted. For there is only one other writer bearing that name whose identity has not yet been established. He was a philosopher and is quoted by Ibn Gabirol.⁴⁸ His full name was Hefes b. al-Birr al-Futi or al-Ḳuti, and it was suggested that al-Birr is an Arabic translation of the Hebrew יְעִלִּיָּה or *vice versa*.⁴⁹ However this may be, the writer of the fragment obviously speaks of Halakists, and it is interesting to note that Hefes is classed among the most prolific writers of that period. At all events, owing to the conflicting arrangements, this point

⁴⁵ *Luma'*, p. 15.

⁴⁶ *Ša'arē Simḥah*, ed. Fürth, p. 63.

⁴⁷ I am under obligation to Professor Israel Davidson, who intends to publish the entire fragment, for drawing my attention to this passage, and for copying it for me.

⁴⁸ See Steinschneider, *Hebräische Übersetzungen*, p.

⁴⁹ See Poznański, *אנשי קירואן*, p. 25.

must be abandoned as a basis for determining the time when Ḥefes flourished.

Hitherto we have only examined the external evidence. Unfortunately there hardly exists any internal evidence, as no post-talmudic writers are cited in the Book of Precepts. Discussions of a polemical nature, with the exception of one passage which will be explained later on,⁵⁰ are entirely absent. Yet there is one point which deserves a full discussion. Ḥefes gives in every precept a *résumé* in Arabic of the pentateuchal law, and then quotes the verses in Hebrew. The Arabic words he employs are, with rare exceptions, identical with those of Sa'adya's translation. Even the constructions resemble those of Sa'adya, and the deviations are such as one may expect to occur in a *résumé* as distinct from a literal translation. In order to illustrate this point I shall place in parallel columns Sa'adya's translation and the *résumé* given by Ḥefes of the first four precepts that are preserved.

SA'ADYA	ḤEFES
ואן כְּרֹגֶת נֹאֵר פּוֹגֶרֶת שׁוֹבֵא ואַחֲרֵקֶת כְּדִיסָא אוֹ סַנְבֵּלָא קְאִימָא אוֹ סְאִיר מָא פִי אֶלְצִיאַע פְּלִיגֶרֶם מָא יִגֵּב פִּיָּה. (Exod. 22. 5.)	תּוֹגֵב עָלֵי מִן אֶצֶרֶם נֹאֵר וּבִרְגֵת מִן מִכָּאן צְרִימָהּא פִצְאֻדַּפֶּת שׁוֹבֵא ואַחֲרֵקֶת כְּדִסָּא אוֹ סַנְבֵּלָא קְאִימָא פִי מִנְבַּתָּהּ אוֹ גִירָה מִמָּא פִי אֶלְצִיאַע אֵן יוֹדִי קִימָה דְּלָךְ. (Text, fol. 1 a.)
ואן נֶטַח תּוֹר רִזְלָא אוֹ מִרְאָה פִקְתִּלָּה פְּלִירִזֶם אֶלְתּוֹר וְלֹא יוֹבֵל מִן לַחֲמָה וְרֵב אֶלְתּוֹר בְּרִי. (<i>ibid.</i> , 21. 28.)	תּוֹגֵב אֶדָּא כָאן תּוֹר גִּיר מַעְרוֹף בְּאֶלְנִטָּאָה פִנְטָה אֶנְסָאנָא פִמָּאָה אֶלְאֶנְסָאן לְדָלָךְ אֵן יִרְגֵם אֶלְתּוֹר וְלֹא יוֹבֵל מִן לַחֲמָה וְצִאחְבָּה פְּבִרִי. (fol. 3 a.)

⁵⁰ Chapter III. See note 157.

ואן כאן תורא נטאחא מן אמס
ומא קבלה פנוישר צאחבה ולם יחפטה
וקתל רנלא או מראה פלירנם אלתור
ואיצא צאחבה יקתל ואן אלום דיה
פלעט פרא נפסה נמיע מא ילומה.
(*ibid.*, 21. 29. 30.)

פאן אכטא נמע מן נמיע אסראיל
ונאב אמר מן עיון אלנוק פיעמל
ואחדה מן פראיין אללה אלתי לא
תעמל פאחמו: חם ערפת אלכטיה
אלתי אכטאווא פליקרב אלנוק רחא
מן אלבקר ללדכוה ויאת בה בין ידי
אללה וידבח אלרת בין ידי כבא
אלמחצר: ויסנד שיוך אלגמע אידיהם
עלי ראס אלרת בין ידי אללה:
וידכל אלמאם אלממסוח מן דמה
אלי כבא אלמחצר: ויגמס אצבעה
פיה וינצח מנה סבע מראת בין ידי
אללה קבאלה אלסנף: ומנה יצב עלי
ארכאן אלמדבח בין ידי אללה אלדי
פי כבא אלמחצר ובאקיה יצבה ענד
אסאם מדבח אלצעידה אלדי פי באב
כבא אלמחצר: ונמע שחמה ירפעה
מנה ויקתר עלי אלמדבח: ויעמל
בה כמא עמל בתור דכוה אלמאם
כדאך יעמל בה ויסתנפר ענהם וינפר
להם: ויכרנ אלתור כארנ אלעסכר
פיחרקה כמא אחרק אלתור אלאזל
הו דכוה אלנוק:

(Lev. 4. 13-21.)

תונב עלי מן לה תורא נטאח מן
אמס ומא קבל ונוישר ליחפטה פלם
יחפטה פקתל אנסאנא אן ירגם אלתור
ויסתחק הו מותא אכטראמיא פאן
אלום דיה אלמנטוח פליעטא מא
תבת עליה אלתראצי.
(fol. 3 b.)

תונב מתי אכטת נמאעה ישראל
בסחו ונבי אמר ען עיון אלנוק פעמל
ואחדה מן אלנואהי פאחמו ועמל
בהא אן יקרב אלנוק אלי כבא
אלמחצר תורא ללדכוה ותסנד שיוך
אלגמאעה אידיהם עלי ראסה תם
ידבח וינצח אלמאם אלממסוח מן
דמה קבאלה אלסנף: מראר ויצע
מנה עלי ארכאן מדבח אלככור ויצב
אלבאקי ענד אסאם מדבח אלצעידה
ואן יקתר עלי אלמדבח שחמה
וכלאה וזיאדה כבדה ויסתנפר ענהם
וינפר להם ויכרנ נמיע אלתור כארנ
אלעסכר אלי מוצע טאהר אלי מטרח
אלרמאד פיחרק הנאך.
(fol. 5 b.)

It will be observed that the differences in the passages from Exodus are more numerous than in the one from Leviticus. This is to be accounted for by the fact that the former are less technical. Moreover, some differences are only apparent. Thus Sa'adya renders בעל indifferently by רב and נאחב. In the passage quoted above Ḥefeş has only the latter; but on the same page he also employs the former. There is no need to quote any further passages, but it may be stated that the Leviticus passage represents the relation between the two renderings more correctly. Now the differences in the Leviticus passage are so insignificant that they may be expected to occur almost in two different manuscripts of one and the same book. The two manuscripts of Sa'adya's translation of and commentary on Job, for instance, differ from each other to a very great extent.⁵¹ The same is the case with Baḥya b. Paḳūda's *al-Hidāya ilā Farā'id al-Ḳulūb*.⁵² In some places the Book of Precepts may help us to correct Sa'adya's text. Thus נאב (Lev. 4. 13) is hardly an accurate rendering of נעלם, and it seems quite probable that it is a scribal error for נבי, as Ḥefeş has it. The rendering of רת by פר is very interesting. Although Ḥefeş in the above passage has תור, in other places he agrees with Sa'adya in using רת.⁵³ Now the ordinary word in Arabic for *steer* is ثور صغیر, or ثور, whereas رث is an extremely rare word, and in Mohammedan works its usual signification is *hog*. There can be no doubt that in the dialect spoken by Sa'adya and Ḥefeş رث meant nothing more than *bullock* or *steer*. For it is inconceivable

⁵¹ See Bacher's introduction to his edition, p. ix.

⁵² See Yahuda's edition, *Introduction*, pp. 7 ff.

⁵³ See text, fol. 10 b, l. 12.

that they employed such an ambiguous word which denotes *hog* in a passage dealing with sacrifices.

The resemblance of these two versions will appear still more striking when we compare them with the independent translation of the Bible printed in Beyrout. The Leviticus passage alone will suffice for our purpose. It is as follows :

وان سها كل جماعة اسرائيل فاخفى امر عن اعين المجمع وعملوا واحدة من جميع مناهي الرب التي لا ينبغي عملها واتموا . ثم عرفت الخطية التي اخطاوا بها يقرب المجمع ثورا ابن بقر ذبيحة خطية ياتون به الى قدام خيمة الاجتماع . ويضع شيوخ الجماعة ايديهم على راس الثور امام الرب ويذبح الثور امام الرب . ويدخل الكاهن الممسوح من دم الثور الى خيمة الاجتماع . ويغمس الكاهن اصبعه في الدم وينضح سبع مرات امام الرب لدى الحجاب . ويجعل من الدم على قرون المذبح الذي امام الرب في خيمة الاجتماع وسائر الدم يصبه الى اسفل مذبح المحرقة الذي لدى باب خيمة الاجتماع . وجميع شحمه ينزعه عنه ويوقد على المذبح . ويفعل بالثور كما فعل بشور الخطية كذلك يفعل به ويكفر الكاهن فيصفيح عنهم . ثم يخرج الثور الى خارج المحلة ويحرقه كما احرق الثور الاول انه ذبيحة خطية المجمع ❖

In this version almost every technical expression is rendered differently from the other two, and this would lead one to assume an interdependence of the latter. As Sa'adya is by far the better known of the two as a translator and commentator of the Bible, it seems at first sight reasonable to conclude that Hefes borrowed from him. This, accordingly, would fix the *terminus a quo*, and would indeed place Hefes in the second half of the tenth century, for we must allow some time for Sa'adya's translation to become universally spread.

On reflection, however, this can hardly be considered conclusive evidence. To begin with, the fact that Sa'adya is the most renowned and admired Jewish writer of the

tenth century does not preclude the possibility of an earlier, though less satisfactory, attempt at translating the Bible, at least the Pentateuch, into Arabic. Ḥefes displays a thorough mastery of Hebrew, Arabic, and Aramaic. He shows great skill and a sense of appropriateness in choosing Arabic equivalents for the most obscure talmudic terms. Even in cases where his explanations lack philological soundness, the Arabic words he uses admirably convey the meaning he intended. And in this branch he has no predecessors known to us. Is it at all likely that a man of the calibre of Ḥefes would need to borrow from the translation of another writer without due acknowledgement? It, therefore, seems natural to reject the theory that the translation of Ḥefes is influenced by that of Sa'adya. The striking resemblance of the two translations may be accounted for in a simpler manner. Although we have no data for determining exactly the time when Jews in Babylon adopted Arabic as their vernacular,⁵⁴ there can be no doubt that this event took place centuries before Sa'adya. The Jews, accordingly, while studying the Bible, especially the Pentateuch, must have translated it into that language. Some sort of terminology must have gradually developed, and remained fixed to a considerable extent, especially in the case of technical terms. This terminology inevitably had some Hebrew colouring, otherwise such words as *معيدة* for *burnt-offering*, which is a literal translation of *עולה*,⁵⁵ and *سلامة* for *peace-offering*, Hebrew *שלמים*, could not have arisen. Accordingly, if Sa'adya really was the first translator of the Pentateuch, he merely committed to writing that which had been known orally, and it is only

⁵⁴ Comp. Steinschneider, *Arabische Literatur der Juden*, p. xvii.

⁵⁵ See Freytag's *Lexicon*, s. v. *معيد*.

for the literary touches that he deserves credit, not for the actual translation. Subsequent writers, who had Sa'adya's translation before them, were no longer aware of the oral terminology that had previously existed, and unduly praised him for his work. For it must be borne in mind that a translation of the Bible made by Jews in their vernacular differs radically from that made by non-Jews. The former are enjoined to 'meditate therein day and night', and as soon as they adopt a new mother-tongue, are bound to find equivalents for Hebrew words. Thus the adoption of the new mother-tongue practically coincides with the translation which may be regarded as raw material for subsequent literary attempts. The first non-Jew, however, who wished to translate the Bible, had to begin with a clean slate, and was obliged to coin new terms.

These considerations, to my mind, completely destroy the evidence to be adduced from the expressions Ḥefes employs in translating pentateuchal verses.

In this connexion it is convenient to discuss two passages in which Ḥefes is supposed to quote Sa'adya explicitly, and which would thus conclusively prove that Ḥefes flourished after that famous Gaon. In *JQR.*, VI, p. 705, Neubauer published an Arabic fragment which he hesitatingly suggested to be part of the Book of Precepts by Ḥefes b. Yaşliāḥ. That fragment begins with a slightly abridged quotation from *Menaḥot*, *Mishnah*, 3, 6. 7.⁵⁶ Then comes the following passage: וְקִדְשָׁם רָאָם אֶלְמַחֲבִיבָה אֶלְפִיּוֹמִי נֶצֶר אֱלֹהָהּ וְנָהָה פִּי רִשּׁוֹת לָהּ לְאַזְחָרוֹת כִּי קֶסֶם נָחַן נִדְבָרָהּ בְּאַחְתָּצָאֵר בִּלְנָה אֶלְעָרֵב וְאֵן כֵּאֵן הוּא אֶנְמָא דְבִרְהָא בִּלְשׁוֹן הִקְדֵּשׁ בְּחִית לִם יִחַץ נְמִיעַ אֶלְמִצּוֹת וְאֶנְמָא דְבִר בְּעֵצָהּ וְקִדְשָׁם לֵאנָה כְּתִיר מִנְהָּ. This is followed by an enumeration of twenty sections. After

⁵⁶ This was not noticed by Neubauer.

the mention of the twenty-first section there is a gap, and the subject is interrupted. The passage that follows deals with an important principle for enumerating precepts. The gap must have been considerable, for we have to allow room for at least four or five sections.⁵⁷

Another fragment which enumerated the first eight sections of Sa'adya's *Reshut* was published by Prof. Schechter.⁵⁸ That fragment is headed הרב תפסיר אלרשות אלרי עמלה ראם אלמתיבה מרב סעדיה אלפיומי זל קסם פיה אלמצות כר⁵⁹ קסם עני בתפסירה מרב שמואל גאון בן חפני זל. The remaining lines are, with the exception of a few insignificant variants, identical with those of Neubauer's fragment, and hence Prof. Alexander Marx was led to consider Samuel b. Hofni the author of the latter.⁶⁰ There is, however, no ground for this identification. That the two fragments do not belong to one and the same book is self-evident. In *Saadyana* we have the beginning of Samuel b. Hofni's commentary, whereas in Neubauer's fragment we have a direct quotation from Sa'adya's *Reshut* before it was translated into Arabic. Since the headings alone are quoted, there is no room for divergency in style, and there is nothing to connect the two writers. One feels inclined to agree with Neubauer that 'it is certainly not by Samuel ben Hofni'.⁶¹

On the other hand, I am now in a position to demonstrate

⁵⁷ There are a few misprints in that passage, and Neubauer, *JQR.*, VII, p. 172, corrected them in the name of Bacher, who had seen the manuscript. One important word, however, was left uncorrected. אטל, p. 707, l. 14, ought obviously to be אטלק or אהל.

⁵⁸ *JQR.*, XIV, p. 211; *Saadyana*, p. 53.

⁵⁹ It seems to me that כר is the more correct reading, as a slightly obliterated ה might easily be mistaken for כ.

⁶¹ Ginzberg's *Geonica*, I, p. 179, note.

⁶¹ *JQR.*, VII, p. 172.

with certainty that Hefes̄ was not the author of that fragment, and the evidence is furnished by the preserved portion of his Book of Precepts. There is, to begin with, a difference in style. Hefes̄ consistently uses Arabic equivalents for Hebrew technical terms. Thus, he always says שריעה, שראיע, שראמר, נואה, while Neubauer's fragment has מצוה, מצות, עשה, לא תעשה. Matters of style are always subject to doubt, and those who are loath to rely on them will find convincing proof for my contention in the following consideration. The author of Neubauer's fragment refutes the system of a certain . . . Bar Furk̄ān.⁶² In order to make this point clear I shall quote and explain the words attributed to that Bar Furk̄ān, especially as they are of importance for the various systems of enumerating precepts. . . . בר פרקאן זע קולה חשוב עשה ולא תעשה בהתחברם כמו בפרסת האחד יורם נכחם במותר בהתקשרם ההתר פנה והאסור רם והרא אלדי קאל ענה פי כתאבה פי אלשראיע קאל ולו כאן אטל⁶³ אכל אלחיואן אלמגתר הו אלנהי עמא לא יגתר וליס במפרק חסבא . . . Bar Furk̄ān—*may his soul be in paradise*—says: *Count positive and negative precepts when they are combined (as in the case of the hoofs of animals) as one; one of them is sufficient to indicate them both; the opposite is superfluous, since they are joined. Turn to the permitted thing, and cast away the forbidden. And this is [the principle] concerning which he said in his book of precepts. He said: If it is permitted to eat an animal which chews its cud, this in itself is a prohibition against the eating of an animal which does not chew its cud and is not cloven-footed;—it is to be counted as one precept.*

⁶² The name is obliterated, and Neubauer supplied יהושע, while Bacher read it as צדקיה.

⁶³ Read אטל or אחל; see above, note 57. ⁶⁴ *JQR.*, VI, p. 707.

The Hebrew quotation is no doubt part of *Azharot* or *Reshut*. We have four lines rhyming with רם. The style is paṭṭānic, and I think that the last word רם stands for רָמָה, just as לֵל is the apocopated form of לַיְלָה. The Arabic is slightly clumsy, but my interpretation is the only one possible, for it would not do to take שָׂרְעָא וְאַחֲדָא as the complement of כֵּן, since there would then be no apodosis. Moreover, the finite verb after כֵּן (for there is no ground to read אֶטְלֵאֵךְ) precludes such an alternative. Accordingly Bar Furkān lays it down as a principle that opposites are only to be counted as one precept. The writer of that fragment refutes this principle from a logical standpoint. Maimonides, too, agrees with the latter, for he consistently counts such cases as two precepts.⁶⁵ The permission to eat clean animals is positive precept 149,⁶⁶ and the prohibition against unclean animals is negative precept 172.⁶⁷ Now Ḥefes b. Yaṣliaḥ, as will be explained later on at the end of Chapter IV, is not at all aware of this subtle distinction. He usually reckons such cases as one precept, but sometimes as two. Thus, that a Nazarite must grow his hair is given as a positive precept, but the fact that he must not cut his hair is not given separately. On the other hand, he counts separately the commandment to bring all sacrifices to the special place (Deut. 12. 6) and the prohibition against eating any sacrifice outside that place (*ibid.*, 12. 17). The reason why he counts them separately is because they occur in different passages of the Pentateuch.

The other passage in which Ḥefes apparently quotes Sa'adya is the glossary to פִּטְוֹת הַקְּטוֹרֶת published by Horowitz.⁶⁸ The passage is headed תַּפְסִיר אֵלֶּלֶפֶת מִפִּטּוֹת

⁶⁵ *Sefer ha-Miṣwot*, principle 6, ed. Bloch, p. 20.

⁶⁶ *Op. cit.*, p. 127.

⁶⁷ *Op. cit.*, p. 250.

⁶⁸ בית נבות ההלכות II, pp. 63 ff.

זל הקטורת לרב חפין ול the Book of Precepts, as will be pointed out at the end of this chapter. The note on חלבנה runs as follows: חלבנה אלמיעה ורב סעדיה יקול פיה מחלב. It is, however, easy to prove that the explanation attributed to Sa'adya does not form part of Hefes's glossary. For it is impossible that Hefes should quote an opinion different from his own without refuting or accepting it. Moreover, if he wanted to give explanations by Sa'adya differing from his own, he had occasion to do so in the next word. Hefes translates קציעה by ענבר, while Sa'adya, according to Solomon Parḥon,⁶⁹ renders it by קסט. Then in this very passage Hefes quotes a talmudic statement on צרי which is against his own explanation. This statement is placed at the end of the passage, after all the difficult words have been explained. It is thus evident, that Hefes did not interrupt himself in the middle, otherwise he would have placed the talmudic statement immediately after his translation of צרי, especially as this word occurs before חלבנה. It is also to be observed that Sa'adya does not translate חלבנה by מחלב. The text of his translation of Exod. 30. 34 has לבנא, while Derenbourg gives a variant מיעה. We thus see that this note in the glossary to פיטום הקטורת is spurious. The copyist did not have the Book of Precepts before him, but excerpted the passage from Ibn Bal'ām's *K'itāb al-Tarjīḥ*.⁷⁰ To any one who studies Ibn Bal'ām's works it is inconceivable that he should have incorporated the entire passage from Hefes

⁶⁹ *Maḥberet he-'Aruk*, s. v. קצע.

⁷⁰ At the end of the passage it is said: ושרח הדה אלפאט מאכוד מן: כתאב אלטרניח תאליף לר יהודה בן בלעם רצי אללה ענה. The editor misread the text. These corrections are by Steinschneider, *Monatschrift*, 1885, p. 288.

verbatim without commenting on it. He usually quotes various opinions side by side. What really happened was this: Ibn Bal'ām gave various opinions among which those of Ḥefeṣ were prominent, and the copyist subsequently collected all of Ḥefeṣ's explanations under the heading תפסיר... לרב חפין. He was, however, unable, in some cases, to differentiate between the words of Ḥefeṣ and the comments of Ibn Bal'ām. It is also possible that that spurious explanation of Sa'adya was added by the 'redactor' himself, who obviously was not well informed.

The result of all these discussions appears convincing enough to enable us to state that for determining the time when Ḥefeṣ flourished we only have a *terminus ad quem*—he was dead in the first half of the eleventh century, since Ibn Janāh, when quoting him, adds the formula רחמיה אללה—but the *terminus a quo* must be left open, until further evidence is brought to light. Vague and unfounded assumptions are of no avail.

Out of the four titles, Resh Kalla, Alluf, Rosh Yeshibah, and Gaon, that are bestowed upon Ḥefeṣ by writers who refer to him, the first is the one that was actually borne by him. This conjecture of Rapoport's⁷¹ is strikingly confirmed by our fragment in which he styles himself twice as ראם אלבל.⁷² That Ḥefeṣ was no Gaon in the technical sense needs no demonstration. In Sherira's *Epistle*, where a practically complete list of the Geonim of Pumbedita and Sura is given, no mention of this scholar is made. Writers subsequent to the gaonic period gave this term a wider denotation, and applied it almost to any great Talmudist. Thus Nissim b. Jacob of Kairuwān is also dignified with

⁷¹ Kobak's *Yeshurun*, VIII, p. 58.

⁷² See text, fols. 8 b, 25 a.

that title. Indeed Sherira himself does not always keep to the technical sense, and some of the Amoraim are styled by him as Geonim.⁷³

Nothing definite, however, is known of the functions of the Resh Kalla. It is usually considered synonymous with the title Alluf,⁷⁴ which is also obscure. The prevalent view among Jewish scholars is that he was third in rank to the Gaon. This is based upon the report of Nathan ha-Babli,⁷⁵ and there can be no doubt that within the constitution of the Babylonian Academies this was actually the case. But there is sufficient evidence for the assumption that the term Resh Kalla was used in two different senses. Here again Rapoport's ingenious conjectures help to clear up many difficulties.⁷⁶ He drew attention to the prayer *יקום פורקן* in which the Rēshē Kalla are mentioned before the exilarchs and the heads of the academies. For it is hard to get reconciled to the idea that the titles are enumerated at random. He accordingly concludes that this prayer was composed in Palestine where the Resh Kalla was the highest dignitary. The words *לרישי כלל* refer to the preceding words *די בארעא דישראל*, while *לרישי גלותא ולרישי* refer to *ורי בבבל*. Ginzberg, too, in his *Geonica*⁷⁷ has pointed out that 'besides the seven *ראשי כלות*, the title of the seven most prominent members of the Academy, there must have been also *the ריש כלל* who took an active part in the instruction given at the Academy'. The same scholar gave plausible reasons for his hypothesis

⁷³ See Neubauer, *Mediaeval Jewish Chronicles*, I, pp. 31, 32.

⁷⁴ Rapoport, *loc. cit.*, is undecided on this matter, but Poznański is of the opinion that the terms are identical. See *ענינים שונים*, p. 48. The proofs he advances are, however, not convincing.

⁷⁵ See Neubauer, *op. cit.*, II, pp. 78 ff.

⁷⁶ See *op. cit.*, pp. 63, 64.

⁷⁷ I, p. 8, note 1.

that originally the head of the Academy at Pumbedita was styled Resh Kalla, not Gaon.⁷⁸

Then there is a talmudic passage which tends to prove that the Resh Kalla was higher in rank than the Rosh Yeshibah during the amoraic period. It is stated in Berakot 57a that if one enters a shrubbery in his dream it is a sign that he will become a Rosh Yeshibah, while if he enters a forest he will become 'head of the sons of the Kalla'. Now as a forest is larger than a shrubbery, one is inclined to think that a Resh Kalla was more important than a Rosh Yeshibah.⁷⁹

At all events it seems safe to assume that some Rēshē Kalla were heads of independent academies, and owed no allegiance to the Gaon. This accounts for the fact that some scholars outside the gaonic academies bore the title Resh Kalla. There would then be no need to assume, in some cases at least, that this title was conferred by the Gaon upon foreign scholars as a mark of respect. That Ḥefeş belonged to this class of Rēshē Kalla seems to be clear from the fact that he is styled Rosh Yeshibah by Solomon Parḥon.⁸⁰ Moreover, the Resh Kalla in the gaonic academy would hardly have ventured to write a comprehensive work on Halakah. We know that they were not even allowed to answer Responsa.⁸¹

⁷⁸ *Op. cit.*, pp. 46-50.

⁷⁹ Rashi, who evidently knew that the Resh Kalla was inferior in rank to the Rosh Yeshibah, explains the passage in the following manner: a shrubbery which consists of big and small trees, and is dense, is a sign for a Rosh Yeshibah, for young and old gather together to listen to his lectures; while a forest which consists of big trees not close to one another is a sign for the head of the pupils, that is to say, the Resh Kalla who explains to the pupils the subject expounded by the teacher. This comparison is, however, too forced.

⁸⁰ See above, note 32.

⁸¹ See Ginzberg, *Geonica*, I, p. 8.

It should be noted that the meaning כִּלָּא has not been satisfactorily explained. It is usual to vocalize it כִּלְאָ, and in deference to custom I transliterate it accordingly. But it seems doubtful whether it yields a suitable meaning. To take it to denote *crown* seems unlikely for various reasons. To begin with, a *crown* in Aramaic is usually כִּלְיָא, not כִּלָּא. Then even if we connect it with the *crown of the law*, the sense is still obscure. Rapoport takes it to signify a *lecture*,⁸² but does not explain the etymology. The most plausible suggestion appears to me to vocalize it כִּלְאָ, and assign to it the signification of *assembly, gathering*. A striking parallel is found in Arabic كَلْبَة and جامعة, both of which denote *academy, university*.

As a writer Ḥefeṣ is only known by his Book of Precepts. All quotations hitherto found can be traced to that book which was a storehouse of Halakah, philology, and philosophy as it was understood in those days. First and foremost he was a Halakist, and it is chiefly in this branch of Jewish learning that his interests were centred. Philology and philosophy claimed his attention only so far as they had any bearing upon Halakah. His book was the standard work on Halakah in Baḥya b. Paḳūda's days. For in enumerating the various authoritative books in all branches, Baḥya names the Book of Precepts by Ḥefeṣ b. Yaṣṣīaḥ which gave a brief account of all laws as compared with the Halakot Gedolot which contained only those that are obligatory at this time.⁸³ It is always quoted with the

⁸² *Jeshurun*, VIII, p. 63.

⁸³ و الضرب الثاني مختصر عین الشرائع امّا کلها مثل کتاب ر' חפ"ן בן יצליח ואמא ما يلزمنا منها في هذا الزمان مثل הלכות פסוקות והלכות גדולות (*Duties of the Heart*, ed. Yahuda, p. 7. It is also quoted by Kaufmann, *Die Theologie des Bahja ibn Pakuda*, p. 5).

highest respect, and the author's decisions are usually accepted. There can be no doubt that had the author written this book in Hebrew, the references to it would have been more numerous. As it is, the author was lost sight of with the disappearance of the knowledge of Halakah in Arabic-speaking countries. The few references to R. Ḥefes that occur in books by writers who did not know Arabic are borrowed from other sources.⁸⁴

Not being satisfied with a mere enumeration of the precepts, as was done by the author of the *Halakot Gedolot*, and, centuries later, by Maimonides, he gives a lengthy discussion of each detail. In the ethical precepts he had occasion to expound his philosophical speculations which show him to be a clear thinker, well versed in the philosophical doctrines of his times. Whenever he quoted an obscure passage from the Bible or rabbinic literature he appended to it a commentary which is remarkable for its precision. There is sufficient testimony that he was distinguished in all these branches. As a rational commentator of the Bible he is quoted by grammarians, lexicographers, and commentators like Ibn Janāḥ, Ibn Bal'ām, Solomon Parḥon, and Tanḥum Yerushalmi. Here, too, as in the case of Halakah, his opinions command the greatest respect, and are usually adopted.⁸⁵ Even the ill-tempered Ibn Bal'ām who had no regard for authorities⁸⁶ is glad to find in Ḥefes

⁸⁴ Thus *Pišḥē Recanate*, 38 b, is a direct quotation from Alfasi's *Responsa*, 109.

⁸⁵ Solomon Parḥon in his *Maḥberet he-'Aruḥ*, s. v. קצץ, adopts the interpretation of Ḥefes against Sa'adya's.

⁸⁶ See Moses ibn Ezra, *al-Muḥāḍarah wal-Mudākarah*, quoted by Derenbourg, *Gloses d'Abou Zakariya Yahia ben Bilam sur Isaie*, p. 7, and Fuchs, *Studien*, p. 23. לֹם יִסְלַם אַחֵר מִן יִרְכָּה, *Nobody escaped his attacks* (lit. *his net*).

support for his view.⁸⁷ Naturally Ḥefeṣ did not entirely escape the severe criticism of Ibn Bal'ām who in his commentary on Deut. 30. 2 blames him for having counted that verse as a precept and for interpreting R. Simlai's statement literally. And if writers on the Bible are greatly indebted to Ḥefeṣ, there can be no doubt that he laid under still greater obligation early lexicographers and interpreters of the Mishnah and Gemara. His influence upon Maimonides is evident from the remarks of the latter in *Pe'er ha-Dor*, 140, 142, that his errors in certain matters are due to his having followed R. Ḥefeṣ.

Some of the philosophic doctrines of Ḥefeṣ have fortunately been preserved for us by Judah b. Barzillai, a writer of the twelfth century. In his commentary on the *Book of Creation*, whose value lies more in the lengthy quotations from books no longer extant than in the author's own views, he gives at length the first two precepts of Ḥefeṣ's Book. This passage is an important contribution to mediaeval Jewish philosophy. In order to appraise Ḥefeṣ as a philosopher it may not be out of place to reprint the entire passage here, and translate it into English. This is also rendered necessary by the fact that the printed edition is not free from errors. Halberstam who edited the text did not see the manuscript. According to the evidence of the transcriber, the unique copy upon which the edition is based teems with errors.⁸⁸ Add to these disadvantages

קד ראי'ת לרב חפץ פי כתאב אלשראיע מא יאיד קולי אן קצ'ה
פילגש וקעת קריבא מן זמאן אלפתח קאל לאן פיהא הותרו שבטים לבוא
זה בזה. *I saw in the Book of Precepts by R. Ḥefeṣ something which strengthens*
my assertion that the narrative of the concubine took place closely upon the
time of the conquest. He said: because at that time the tribes were allowed to
intermarry (Ibn Bal'ām's Commentary on Judges 20. 28, ed. Poznański).

⁸⁸ See Halberstam's preface, p. ix, note.

the circumstance that Judah b. Barzillai did not see the Book of Precepts, but quoted the passage second hand, and the corruptions will be accounted for. Owing to these cogent reasons, I hope to be pardoned for this digression.⁸⁹

המצוה הראשונה מצוה אותנו ליחד דעתנו ומחשבותינו באמתו של דבר להמציא בוראנו בלבבנו שהוא אדון הכל באין הרהור ספק ובלי שום מחשבה אחרת לדעת שהוא אמת כדכתיב⁹⁰ וידעת היום והשבותה אל לבבך וגו'. פי' וידעת היום כלומר בעוד שאתה בחיים כי לאחר מיתתו של אדם לא יועיל לו ידיעתו ולא יכול לשלם שגגתו אשר שגג בחייו. ופיר' והשבות אל לבבך שתשיב אל דעתך ולראיית לבבך הדבר כדכתיב⁹¹ ואתנה אל לבי לדרוש ולתור בחכמה. וראייה שהשבת הלב יבחין בעליו לתוך הדבר כי כן אמר הנביא במי שלא ישיב אל לבו להבחין העקר מן הטפל⁹² לא ישיב אל לבו לא דעת ולא תבונה לאמר חציו שרפתי במו אש. ופי' כי ה' הוא האלהים הוא הנמצא באמת כי לשון הוא מורה על דבר המצוי. ופי' אלהים הוא לשון יסוד כי הוא יסוד והוא הכל כדכתיב⁹³ בראשית ברא אלהים. ולא נקרא בשם ה' אלא אחרי שנברא אדם והעולם. ולשון ה' מפורש שהוא רב ואדון לכל. הלא תראה כי לשון ה' מפורש שהוא אדון על כל המעשים ולא יתקיים שום אדון אלא עד שיתקיים המעשה שהוא אדון לו וגם המעשה לא יתקיים עד שיהיה לו אדון. אבל לשון אלהים שם מיוחד בלי שום קדימא ואיחור ומעשה. אמרו הראשונים⁹⁴ הזכיר שם מלא על עולם מלא על מה דכתיב⁹⁵ ביום עשות ה' אלהים

⁸⁹ *Commentary on the Sefer Yesirah*, ed. Halberstam, pp. 55, 56. The quotation is introduced by the following remark : וכתב אחד מן המתחברים : שהעתיק מדברי חפץ אלוף ז"ל לאלו שתי המצות בתחלת חיבורו ואלו תורף דבריו וידעת היום והשבות אל לבבך וג' שמע ישראל ה' אלהינו ה' אחד.

⁹⁰ Deut. 4. 39.

⁹¹ Eccles. 1. 13. The reading there is ונתתי את. Comp., however, 1. 17.

⁹² Isa. 44. 19.

⁹³ Gen. 1. 1.

⁹⁴ Bereshit Rabba 13. 3. The reading there is מזכיר. See Theodor's edition, p. 115.

⁹⁵ Gen. 2. 4. From Ḥefes's statement it seems that the midrashic remark

ארץ ושמים. ופי' בשמים יורה על כל מה שבשמים כוכבים ומלאכים כי כולם יעברוהו ויאמינו באמת בכל כחם ובכל תבונתם כדכתיב⁹⁶ ויודו שמים פלאך ה' אף אמונתך בקהל קדושים כי מי⁹⁷ בשחק יערוך לה' ידמה לה בבני אלים וכל המזמור. ועל הארץ מתחת יורה על מה שבארץ בעלי לשון וכל מי שיש בו רוח חיים שבכל דבר ניכר כי הוא אל אמת וכל בעלי לשון יודו בכך ויאמינו בדבר ואע"פ שנתחלפו⁹⁸ שמותיו ודבריו אצלם דכתי'⁹⁹ כי ממזרה שמיש עד מבואו גדול שמי בנוים. [ומה]¹⁰⁰ שנאמר אין¹⁰¹ עוד יורה שהוא יחיד באמת כמו שאפרש בזה השער. ואמרו רבותינו ז"ל שצריך אדם להתלמד ראיות שיעלה על לב איש כי הוא יחיד ואין עוד דתנן¹⁰² הוי שקור ללמוד תורה ודע מה שתשיב

was made upon this verse. In the Midrash, however, it is on verse 5. It is naturally more appropriate on the former, where אלהים is mentioned for the first time.

⁹⁶ Ps. 89. 6, 7.

⁹⁷ The manuscript has כזה, and it is corrected by Halberstam.

⁹⁸ The edition reads שנתחלפו שמותיו ודברם אצלם, which gives no sense at all. Halberstam emends it to שנהחילנו, which does not suit the context. My emendation is quite obvious: פ was misread as נ, and the word was therefore divided into two. ודברם may perhaps be read as וזכרם, but ודבריו is more suitable, and the corruption may be accounted for by the fact that וי written in a cursive hand may be easily misread as מ. What Hefes wrote in Arabic was no doubt ואקואלה ואקואלה. ענדהם. The idea expressed is that all rational beings know that He is the true God, they only differ as to His names and sayings. This is a thought often met with in mediaeval Jewish philosophy, and its origin is in Menahot 110a, where this very verse is cited.

⁹⁹ Malachi i. 11.

¹⁰⁰ This word is missing in the text. As it is the method of Hefes in this passage, as well as in the fragment of the original, to explain each word and phrase, there can be no doubt that he elucidates the phrase אין עוד of the Deut. verse, and that it has no connexion with the preceding. Hence it is necessary to supply some such word as ומה. Hefes wrote קולה, and had one of the Ibn Tibbons translated it he would have put ואמר. But our translator lived before that period in which it was considered fashionable to imitate the Arabic idioms and constructions, and he therefore rendered that word by שנאמר, or perhaps by שאמר.

¹⁰¹ The printed edition has ואין, which is obviously an error.

¹⁰² Pirḳe Abot, 2. 14.

לאפיקרים. והוצרכתי לפרש בזה המקום ראייה להתחזק בה באמת כי הוא יחיד ויוצר הכל, הוי יודע כי כל הנמצא והידוע מעצמים של האדמה וכל בעלי החיים נוסד ונכון מארבעה דברים שהן אדמה ומים אש ואויר מהן נוסד ואלהיהן הוא שב ונמחה, וזה ידוע בראיות נכונות והיסוד בהן נראה ונבחן. ומאחר שהיסוד נראה ונבחן כי נכונו ונעדרו יחד ידענו מבינתנו כי יוצר אחר יסדם ולא נוסדו מעצמם לפי שיש מהם שמתגבר על חבירו וכולעו ומפסידו כגון המים שמכבה את האש והרוח שמיבש את המים וכן כל אחד לחברו. ועוד שנפסדים וישים לאין. וכן גלגלי עולם והכוכבים ידועים כי אחר יסדם¹⁰³ [ולא נוסדו מעצמם לפי שכל אחד לו מעלה ונבירה ומזה אנו יודעים כי אחר יסדם]¹⁰⁴ ולא נבראו מעצמם. ומאחר שידענו מבינת לבבנו כי יש לכל יוצר ויוסד ואין כל דבר נוסד מעצמו ברור וידוע באמת ובודאי כי יוצר העולם ובוראו ומושלו ומנהיגו אדון הכל בלא ספק ובלא תמיהה והוא אלהים לבדו אשר לא יערכנו דמות ותמונה כדכתיב¹⁰⁵ אל מי תדמיון אל ומה דמות תערכו לו. וכן אמר משה רבינו¹⁰⁶ ותמונה אינכם רואים זולתי קול. ובאלו הראיות יתקיים בדעתנו ויתברר במחשבותינו שהאלהים נמצא ואין אנו יודעים לו תמונה ודמיון זולתי זוהר כבודו כדכתיב¹⁰⁷ ותמונת ה' יביט והוא דמות זוהר כבודו ומה¹⁰⁸ שהוא קרוב לכבודו לענין אע"פ שאינו דומה זה לזה. בזמן שאנו נכנסין לבית בנוי שאין הבנאי שבנאו מצוי ידענו כאלו היינו מצויין בשעת בניינו כי בנאי בנאו בלי ספק. ואלו היינו משיבין אל דעתנו דמות הבנאי וצורתו וקומתו¹⁰⁹ [וצבע שערו ורב עניינו] לא היינו משיגין¹¹⁰ [באמונתנו] כל עניינים שהזכרנו. ומאחר שאין משיגים אנו לדעת ענין

¹⁰³ The sentences enclosed in brackets were omitted by the copyist through homoioteleuton, and were afterwards supplied at Halberstam's request by two gentlemen who had the manuscript before them. See Halberstam's preface, p. x, and notes on p. 290.

¹⁰⁴ The printed edition has **אחר**, which gives no sense.

¹⁰⁵ Isa. 40. 18.

¹⁰⁶ Deut. 4. 12.

¹⁰⁷ Num. 12. 8.

¹⁰⁸ The printed text has **ומהו**.

¹⁰⁹ These words are added in the same way as is explained in note 103. Instead of **שערו** the printed text has **לכו"ר**, which gives no sense. I am not confident about this emendation.

¹¹⁰ See note 103.

בן אדם כמונו ממלאכתו קל וחומר היאך נשיג דמות יוצר חבל ית"ש. והבאתי ראיה זו להתאמן¹¹¹ בלבבנו ולהתברר בדעתנו בודאי כי יש לכל מלאכה עושה מעדות המלאכה כאלו היינו רואים אותו בעשותו אותה¹¹² [ולא תנכר הדעת את עושה לפי שאינו מצוי עמנו כי זה המשל מקרב הדעת לכך] כדכתיב¹¹³ הלא ידעת אם לא שמעת אלהי עולם ה' בורא קצות הארץ לא ייעף ולא ייגע אין חקר לתבונתו. **המצוה השנית** מצוה אותנו ליחד הבורא ולהאמין בלי שום ספק כי הוא אחד באמת בלבנו ובמחשבותינו ואין עוד אחר זולתו. לא נחשוב לו מראה ודמות שום נוף דבר בעולם ואע"פ שיזכירו לו כתבי הקדש כגון¹¹⁴ עיני ה'¹¹⁵ ויד ה'¹¹⁶ והארץ הדום רגליו וכהנה רבות כי לא הזכירו כך אלא להמשיל ללשון בני אדם כדכתיב עוד¹¹⁷ נשבע ה' בימינו ובורע עוויו. וחייבים אנו להאמין באמת ובודאי שהוא אחד בעצמו ובכבודו בלא רבוי ובלא מיעוט ובלא חיבור ובלא פירוד ובלי שנוי ונענוע וכל אחד זולתו יתרבה ויתמעט ויתחלק ויתחדש ויתישן ומתחבר ומתפרד ויש לו תחלה ותכלה ושינוי ונפסד ונתכן. ובוראנו יתעלה וזכרו לא ישיגנו אחת מאלה כדכתיב¹¹⁸ שמע ישראל ה' אלהינו ה' אחד. והרועה להבחין שאין אחר זולתו על העקר¹¹⁹ יחפש בחק ענין אחד ורבים והמספר והספור יתברר לנו שהמספר רבים אחד אחד הוא כמו שהורו ראשונים. ומאחר ששנים ונ' וד' ועוד אחרי האחד בידוע שהאחד ראשון לכל המספר בלי ספק. וכן יתברר כי¹²⁰ הרבים כלל על¹²¹ האחד והאחד מוקדם להם שאחר האחד אנו סופרים המספר האחר¹²² ואין אומרים ב' ונ' ועוד אלא אחרי אחד מוקדם להם. ומאחר שנתברר לנו אמתת הדבר שבוראנו יתעלה וזכרו ראשון לכל

¹¹¹ Kaufmann, p. 335, emends it to להתאמן. But there is no need to alter the text. The Hithpa'el is here used as the biblical Nipha'al. Comp. Isa. 22. 23.

¹¹² See note 103.

¹¹³ Isa. 40. 28.

¹¹⁴ Zach. 4. 10, and many other places.

¹¹⁵ Exod. 9. 3, and many other places.

¹¹⁶ Isa. 66. 1, where it is רגליו, not רגליו.

¹¹⁷ Ibid., 62. 8.

¹¹⁸ Deut. 6. 4.

¹¹⁹ Arabic على الأصل.

¹²⁰ The printed text has וכן.

¹²¹ Arabic شمل على.

¹²² The printed text has האחד.

ראשון אנו יודעין שאין כמוהו ואין לו שני ודומה שהטועים האומרים שיש לו שני לא יוכלו לכון בדעת שלימה שהוא אחד. ולפי שנתברר שהוא ראשון לכל ראשון נתברר שאין לו שני. ובזאת הכל לא יתכן להיות ¹²³ [לו] מכל הפנים שהזכרנו שיש לכל דבר זולתו כי הוא אחד באמת ואין אחר זולתו כאשר הקדמנו לעיל. וכל דבר שיש לו דומה וחיבור ופירוד ושינוי וגוף ונענוע יתרבה ויתמעט ויש לו תחלה וסוף ואינו אחד על העיקר. ומאחר כל הראיות האלו ידענו באמת ובעיקר כי אלהינו אחד כדכתיב ¹²⁴ ראו עתה כי אני הוא ואין אלהים עמדי אני אמית ואחיה מהצנתי ואני ארפא ואין מידי מוציל. ועוד כתיב ¹²⁵ הלא ידעת אם לא שמעת אלהי עולם ה' בורא קצות הארץ לא יעף ולא ייגע אין חקר לתבונתו.

'The first precept enjoins us to unite our mind and thoughts on the truth of the matter; to make our Creator exist in our heart, and to consider Him Lord of all things without a shadow of doubt, and without any other thought; to know that He is truth; as it is written: *Know therefore this day, and lay it to thy heart, &c.* The words *know therefore this day* imply: while thou art yet alive; for after a man's death his knowledge will not avail him, and he will not be able to repair the error which he committed during his life. And the words, *and lay it to thy heart*, imply that thou shouldst lay this matter to thy mind and the vision of thy heart, as it is written: *And I applied my heart to seek and to search out by wisdom.* The proof that laying a thing to one's heart makes one understand it is to be found in the words of the prophet, who says concerning a man who does not set his heart to differentiate between the essential and the unessential: *He calleth not to mind, neither is there knowledge or understanding to say.*

¹²³ See note 103.

¹²⁴ Deut. 32. 39.

¹²⁵ Isa. 40. 28.

I have burned half of it in the fire. And the meaning of the words, *that the Lord (יהוה) He is God*, is that He is existent in truth, for the word יהוה denotes something that exists. And the name אלהים signifies something fundamental, for He is fundamental, and He is everything; as it is written: *In the beginning Elohim created.* He was only named יהוה after man and the universe were created. The word יהוה explicitly states that He is Master and Lord of all. Seest thou not that the word יהוה explicitly states that He is Master of all created things? Nor can any one be proclaimed Lord until the thing over which he is Lord becomes a fact; similarly no being can be established unless it has a master. But the name Elohim is fundamental, and does not imply priority, or posteriority, or the existence of a created thing. The ancients say concerning the verse *in the day when יהוה אלהים made earth and heaven: He mentioned a complete name concerning a complete world.* The words *in heaven* indicate all that is in heaven, stars and angels; for all worship Him, and believe in truth with all their power and understanding, as it is written: *And the heavens shall praise Thy wonders, also Thy belief in the assembly of the holy ones. For who in the skies can be compared unto the Lord? Who among the sons of the mighty is like unto the Lord? &c.* And the words, *and upon the earth*, signify that which is on earth, rational beings and animals; for it is evident from all things that He is the God of truth. All rational beings acknowledge this, and believe in that thing, although His names and words vary among them. For it is written: *For from the rising of the sun even unto the going down of the same, My name is great among the Gentiles.* And the words *there is none else* indicate that He is the only

one in truth, as I shall explain in this section. Our teachers of blessed memory said that a man should learn all proofs that might possibly occur to him that He is one, and there is no other, as it is said: *Be diligent to learn the Law, so that thou mayest know what to answer a heretic.* I am obliged to explain here this proof in order that one may be strengthened in the truth that He is one, and is the Creator of all things. Know that all things that exist and are known, vegetables and animals, are composed of four elements, which are earth, water, fire, and air: it is from them that they are created, and it is to them that they will return, and become effaced. This is known by true demonstration. The element in them is visible, and can be tested. Now since the element is visible and can be tested, for they are established and blended together, we know from our understanding that another creator moulded them, and they were not created of their own accord. For some of these elements may overpower the others, annihilate and destroy them, as, for instance, water extinguishes fire, and the wind dries up water; and similarly in other cases. Moreover, they decay and vanish. Similarly it is known that the spheres and stars were created by some one else, and were not created by themselves. Now since we know by the understanding of our heart that everything has a creator and a founder, and that nothing is created by itself, it is clear and evident with truth and certainty that He who founded and created the world, who rules and guides it, is Master of everything without doubt or uncertainty. He is God alone to whom no image or likeness can be compared, as it is written: *To whom then will ye liken God? or what likeness will ye compare unto Him?* And so did Moses our teacher say:

And ye saw no form, only ye heard a voice. By these proofs it is established in our minds, and becomes manifest in our thoughts that God exists, and that we know of Him no form or likeness except the splendour of His glory; as it is written: *And he beholds the form of the Lord.* And that is the form of the splendour of His glory, and that which is approximately near His glory, though they do not resemble one another.—When we enter a house, although the builder who built it is not present, we know that undoubtedly a builder built it, as if we were present at the time of its construction. But if we try to conjure up in our mind the form and likeness of the builder, his stature, the colour of his hair, and other details, we would fail to accomplish it by mere belief. Now since we are unable to grasp, from his work, the details about a man who is like us, how much less can we conceive the likeness of the Creator of all things, blessed be His name! I give this proof in order that it may be fixed in our heart, and established in our mind with certainty, that the fact that a thing is made is evidence that there is a maker, as if we had seen him make it; and the intellect cannot deny the existence of the maker merely because he is not present, for this parable makes this idea clear to the mind. As it is written: *Hast thou not known? hast thou not heard? The everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is He weary, there is no searching of His understanding.*

‘The second precept enjoins us to consider the Creator as the only one, and to believe in our heart and thoughts that He, in truth and without any doubt, is one, and that there is no other besides Him. We must not attribute to Him any likeness or semblance of any corporeal thing

in the world, although such things occur in Scripture, as for instance, *the eyes of the Lord, the hand of the Lord, the earth is My footstool*, and many other similar cases. These expressions are only used in order to liken Him in accordance with human speech, as it is also written: *The Lord hath sworn by His right hand and by the arm of His strength*. It is also our duty to believe with truth and certainty that He is one in His essence and glory, without increase or decrease, without conjunction or division, without change or motion. But everything else besides Him increases and decreases; is divisible; becomes new and old; is joined and divided; has a beginning and an end; is subject to change; decays and is set firm. None of these things, however, apply to our Creator, whose memory is exalted, as it is written: *Hear, O Israel, the Lord is our God, the Lord is one*. And he who desires to prove that there is no other besides Him at all, should investigate the law of singular and plural, of the number and the numbered. It will become evident that the plural is composed of units, as the ancients have taught. Now since 2, 3, 4, &c. come after 1, it is evident that 1 is without any doubt prior to any other number. It is also established that the plural contains 1, and that 1 is prior to all the others, for after 1 we count the other numbers, and we only say 2, 3, &c. after we said 1. Now since the truth of the matter has been established that our Creator, whose name is exalted, is prior to anything that is first, we know that there is none like Him, that He has no second or anything similar. For those misguided people who declare that He has a second cannot be consistent with a perfect mind and say that He is one. Since it has been established that He is prior to anything that is first, it is manifest

that He has no second. In consequence of all the reasons we have mentioned, it is inconceivable that the Creator of all things should have any of the qualities possessed by all other beings. For He is one in truth, and there is no other besides Him, as we have stated above. For anything that possesses a similitude, adjunct, divisibility, changeability, corporeality, and motion must necessarily be subject to increase and decrease, and must have a beginning and an end, and hence is not one at all. From all these proofs we know in truth and principle that our God is one, as it is written: *See now that I, even I, am He, and there is no God with Me; I kill and make alive; I wound and heal; and there is none that can deliver out of My hand.* It is also written: *Hast thou not known? hast thou not heard? The everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is He weary, there is no searching of His understanding.'*

In this passage the kernel of mediaeval Jewish philosophy is contained, for it is practically on these lines that later Jewish philosophers proved the existence and unity of God. Kaufmann was certainly right in pointing out that Bahya followed Hefes in proving the existence of God from the composition of the four elements.¹²⁶ Here again Hefes meets with Sa'adya who treats of the same topic in the second chapter of *al-Amānāt wal-I'tiḳādāt*. They both explain the anthropomorphic expressions that occur in the Bible.¹²⁷ The difference in temperament between these two writers is clearly marked. Sa'adya was always in a polemical vein, and consequently treated the

¹²⁶ See Judah b. Barzillai, *Commentary on the Sefer Yesirah*, p. 335.

¹²⁷ Comp. especially *أمثلة مجازات* [ارشادك الله وأمثلة مجازات] وهذه [الألفاظ الجسمية] (ed. Landauer, p. 89). عندنا في اللفظ

subject from all possible points of view, refuting actual and imaginary doctrines. He is never content to expound his own beliefs, but is always at pains to prove the untenability of any other opinion. Ḥefes, on the other hand, is calm and impassive. Nothing exists for him but his own convictions. His thoughts and ideas are simple and naive. He does not enter into intricate discussion, but gives illustrations from familiar objects. As his own convictions are to him self-evident, there is no need to refute the doctrines of others. Grant his premisses, and his conclusions will follow quite naturally.

Whether Ḥefes wrote any special treatise on philosophy is unknown. As such a book is nowhere mentioned, the assertion may be hazarded that he incorporated all his philosophical speculations in the Book of Precepts.

Another book by Ḥefes is alluded to by himself in the Book of Precepts.¹²⁸ This was a treatise on Quantities or Measures (מִקְדָּרִים, i. e. מִשְׁוֹרִים). But only the intention of composing a book devoted to this subject is recorded there, and it is not known whether he carried out his resolution. It should be observed that the passage in question is slightly corrupt. It is as follows: וְשֵׁרוּחַ הָרָה אֶלְמַעְאֲנִי פִיטוֹל פִּנְכַתְצֶרָה וְלֹאֵן קִד עוֹלָנָא עָלֵי בִסְט שְׂרָה אֶלְמַקְאֲדִיר אֶעֱנִי אֶלְשְׁעוֹרִים פִּי כְתָאב אֵן נִפְרָד לָהּ. *The explanations of these subjects are long; we abridge them, because we have in mind to treat at full length of all the quantities in a book which we shall devote to this subject.* The verb עוֹל is ambiguous, as it usually denotes *he relied upon*. Accordingly it would be reasonable to assume that the book had already been written. Dozy, however, gives also the meaning of *prendre résolution*, and this suits most admirably the continuation

¹²⁸ Fol. 19 a, l. 1. See note to that passage.

נפרד. It is the latter word, which is imperfect, that forces the conclusion upon us that when Ḥefeṣ wrote that remark the book on Quantities was not yet committed to writing. Whether it was ever written cannot be stated with certainty. It is nowhere else quoted, and in absence of any corroborative evidence about the existence of such a work, this question must be left undecided.

As to the glossary to the words of פטום הקטרת (תפסיר) (אלפאנט מפיטום הקטורת)¹²⁹ it can be stated with certainty that it never formed a separate work. It is a very brief commentary, and extends over half a page. It was the system of Ḥefeṣ to give an explanation of the difficult words that occurred in the biblical or rabbinic passages that he quoted. Such 'commentaries' are found in our fragment.¹³⁰ It is to the credit of Steinschneider that he recognized this commentary as an extract from the Book of Precepts.¹³¹ This conjecture is now indisputably verified.

It is unlikely that Ḥefeṣ is the author of the glossary to the Halakot Gedolot (אלפאין גרולח לחפין) which is mentioned in a Genizah fragment containing lists of Hebrew and Arabic books.¹³² We know that Ḥefeṣ was no admirer of the author of that work. We have the testimony of Ibn Bal'ām and Maimonides that Ḥefeṣ severely criticized the method of the author of the Halakot Gedolot, and he would have had little reason to help to popularize that work, unless we assume that he wrote the glossary in the early part of his life, while he was still under the influence of that great codifier.

¹²⁹ It has been printed in its entirety by Horowitz in *בית נבות ההלכות*, II, pp. 63 ff.

¹³⁰ See fols. 27 b and 29 a.

¹³¹ *Arabische Literatur der Juden*, § 62.

¹³² See Poznański, *אנשי קירואן*, p. 27, note 2.

Two anonymous works on Halakah have been ascribed to Ḥefes without any justification. Part of a halakic Midrash was published by Dr. J. M. Freimann under the title והורר, Ḥefes Alluf being given as the author.¹³³ This assumption rests on faulty, though ingenious, combinations. The identity of the book itself cannot be established with certainty, and there is not a particle of evidence to justify any connexion with Ḥefes. There is accordingly no need to compare that book with the Book of Precepts in order to show the difference of method adopted in this work. Indeed, Freimann himself saw the weakness of his position, and in his preface to the second volume admits that his assumption is full of serious difficulties.¹³⁴ Nevertheless he allowed the name of Ḥefes to appear as the author. The statement of Freimann that Ḥefes lived after the author of the *Midrash Hashkem*¹³⁵ rests on a misunderstanding of the passage from Samuel b. Jam's הלכות שחיטה. Freimann had this passage in a Hebrew translation which was very vague. Samuel b. Jam's words do not in the least connect Ḥefes with the author of that book. He merely gives a certain opinion about הגרמה, and then remarks הן חפץ (!) סלכה ר' חפץ, *This is the way which Ḥefes Alluf entered*, that is to say, Ḥefes expressed the same opinion.¹³⁶

The other book is that which is known under the title of המקצעות. Rapoport at first ascribed it to R. Ḥanan'el.¹³⁷ But having been confronted with a number

¹³³ His reasons for this identification are given in his preface, I, § 3.

¹³⁴ Chapter V, towards the end.

¹³⁵ Preface, vol. I, § 4, end.

¹³⁶ See Steinschneider in Geiger's *Zeitschrift*, II, p. 77; *ibid.*, XI, p. 94; *Hebräische Bibliographie*, 1869, p. 133; *ibid.*, 1873, p. 4.

¹³⁷ See his biography of R. Ḥanan'el, note 36.

of difficulties, he was obliged to give up that view, and subsequently transferred the authorship to Hefes.¹³⁸ He even goes to the extent of suggesting that the ספר המקצעות was part of the Book of Precepts, and dealt with civil law. The name מקצעות is accordingly an allusion to the talmudic passage in which it is stated that he who wishes to be wise should occupy himself with civil law, for there is no branch of the law greater than that.¹³⁹ There is apparently some support for this view in the fact that one of the quotations from the ספר המקצעות actually occurs in the fragment of the Book of Precepts which has been preserved. Thus it is said in *Pisḥē Recanate*, 464: כתבו רי"ף ור"ח ז"ל: דאע"ג דאין נובין קנס בבבל מנדין ליה ער דמפייס לבע"ד וכן כתוב בספר המקצעות. The same opinion is expressed by Hefes who gives a more detailed description of the procedure: פאמא אן אסתעדא ראובן עלי שמעון פלילום אלהאכם ארצא ראובן וארצא פי דלך פניר מחרוד כאלמחרוד מנה פי ארץ ישראל וחדה פי ניר ארץ ישראל תוסט תקאת אחל אלמכאן חסב האלתי אלכנמין פי אלוטאן אלהאצר פאן תאבא שמעון ען קבול דלך פליחרם לרלך. *If Reuben complained against Simeon, the Judge must compel Reuben to satisfy Simeon. The amount wherewith he is to satisfy him is not fixed as it is in Palestine; but it might be determined by some of the respectable people of the town in accordance with the circumstances of the two litigants. If Simeon refuses to comply with the decision, he is to be excommunicated.*¹⁴⁰ This concurrence of opinion, however, must be regarded as accidental, for a number of authorities are cited who rendered the same decision. In *Pisḥē*

¹³⁸ *Kebū'at Hakaminim*, p. 55.

¹³⁹ *Baba batra* 175 b. See Rapoport, *op. cit.*, p. 58.

¹⁴⁰ *Fol. 2 b*, ll. 12 ff. The case treated of is as follows: Simeon owes Reuben some money which is in the category of *fine*, and hence cannot be collected in Babylon.

Reccanate, Alfasi, R. Ḥanan'el and ספר המקצעות are quoted, while R. Meir of Rothenburg ascribes this opinion to the Geonim, Alfasi, Natronai, and Ḥefes.¹⁴¹ Rapoport, accordingly, might have ascribed the ספר המקצעות to Natronai.¹⁴²

On the other hand the *Sefer Ḥefes* which is frequently quoted by French and German Halakists should be allowed to have Ḥefes as its author. Although none of the quotations from the *Sefer Ḥefes* happens to be preserved in our fragment, and there is thus no evidence of a positive nature for this identification, there is no sufficient ground for rejecting this obvious connexion of Ḥefes with that book. This *Sefer Ḥefes* was in all probability the Book of Precepts which the Halakists who were not familiar with Arabic quoted second hand, and hence the name of the author was unknown to some of them.¹⁴³ There is hardly any likelihood of that book having been translated in its entirety into Hebrew. For in that case its disappearance would have been strange indeed.

Two objections have been raised against the identification of this book with the Book of Precepts, but on careful examination they will be found to have no weight. It has been remarked that the quotations from the Book of

¹⁴¹ *Responsa*, ed. Prague, 250. See Rapoport, *op. cit.*, p. 56.

¹⁴² I cannot resist the temptation of putting down a suggestion which occurred to me, and might occur to some one else, though I am perfectly convinced it is utterly unfounded, and that is to consider the ספר המקצעות as a translation of the כחאב אלמקאדיר. The root קצע is sometimes synonymous with קצב, which would be a good equivalent for قدر in some of its significations. But, as in Hebrew, the technical term is ישעור, this suggestion cannot be seriously considered.

¹⁴³ Abraham of Lunel, who quotes Ḥefes in המנהיג, pp. 61 a and 67 a, took the passage from Isaac ibn Ḡayyāṭ. Similarly, in *Pišḡē Reccanate*, 386, it is explicitly stated that the quotation is borrowed from Alfasi. Comp. especially Judah b. Barzillai's quotation discussed above.

Precepts are of a different nature from those of the *Sefer Hefes*.¹⁴⁴ This is, however, not borne out by the data at our disposal. It can be safely asserted that all quotations from the *Sefer Hefes*, with the exception of one or two which will be presently dealt with, may have easily formed part of the Book of Precepts. See especially the passage in *Or Zarua'*, III, *Piskē Baba Kamma*, 370, where the exact meaning of הָפֵה is determined by biblical usage of that verb. This is the method of Hefes throughout his Book of Precepts.

The other objection is based upon the fact that Hefes is supposed to be quoted in the *Sefer Hefes*. R. Moses of Coucy, in his *Sefer Mišvot Gadol*,¹⁴⁵ says: ובספר חפץ כתוב שכך היה נוהג מר חפץ גאון שמביאין שתיים וג' כתובות מקרובותיה ונותנין כפחות' שבהן. If Hefes was the author of the *Sefer Hefes*, it is asked, how is it possible that he should mention his name in this manner? Rapoport, who anticipated this objection, suggests an ingenious, though hardly convincing, solution. Hefes, he says, was blind, and was therefore unable to write. His pupils, accordingly, wrote down whatever he dictated to them, and subsequently added all the customs their teacher observed. As a mark of respect they called the book after their teacher, and dignified him with the title Gaon.¹⁴⁶ The explanation, however, has failed to carry conviction, and scholars are still undecided. But a careful examination of the passage in *Sefer Mišvot Gadol* will not only do away with the objection, but will enable us to use it as proof that Hefes was the author of the *Sefer Hefes*. That R. Moses of Coucy does not quote the passage verbatim is evident from the fact that

¹⁴⁴ See Poznański, קירואן, p. 28.

¹⁴⁵ Positive precept 48, p. 127 b.

¹⁴⁶ *Ḳebuṣat Ḥakamim*, p. 56.

he does not state under what circumstances the marriage documents are to be brought. He only gives the mode of procedure, but does not say when this is to be done. Of course the circumstances are fully explained in the *Sefer Mišwot Gadol*, and hence the reader sees to what it refers. Accordingly the quotation from the *Sefer Hefeş* is not in *oratio recta*, but in *oratio obliqua*, and the original words were *וכן המנהג*. R. Moses of Coucy, wishing to avoid ambiguity, stated whose custom it was. For if he said *וכן המנהג* it might have been taken to mean that he himself was accustomed to do so. This hypothesis is not without foundation. For this practice in the case of a widow or divorced woman who lost her marriage document is given at full length by R. Meir of Rothenburg in the name of the *Sefer Hefeş*, and is as follows: *כתב בעל החפץ אשה שאברה* *בתיבתה ונתאלמנה או נתגרשה גובה אפי' תוספת ומביאי' ב' או ג' כתובות של קרובותיה ונותני' לה כפחותה מהן ובשבעה וכן המנהג*.¹⁴⁷ Here we have the same passage from the same book in *oratio recta*, but instead of the words *וכן המנהג*, we simply have *וכן המנהג*. That the last two words were not added by R. Meir of Rothenburg¹⁴⁸ is evident from the omission of the sentence *כך היה נוהג מר חפץ נאון*. It thus becomes quite clear that R. Moses of Coucy, who seems to have been well informed, knew that Hefeş was the author of the *Sefer Hefeş*, otherwise he could not have amplified the words *וכן המנהג* in the manner he did.

Further support, though less conclusive, for this view is to be derived from the curious fact that a number of

¹⁴⁷ *Responsa*, ed. Prague, 852.

¹⁴⁸ Indeed, *Mordekai* on Ketubot IX, § 234 (ed. Wilna), who quotes this very passage, omits these two words. But it is obvious that he borrowed the quotation from R. Meir of Rothenburg, and did not know where it ended.

Halakists of the thirteenth century ascribed this book to R. Ḥanan'el.¹⁴⁹ Rapoport conclusively demonstrated that a number of decisions quoted from the *Sefer Hefes* are opposed to those found in R. Ḥanan'el's authenticated works. It was this consideration that led Rapoport to accept the suggestion of Reifmann, anticipated by Fürst, that Hefes was the author of that book.¹⁵⁰ Now this confusion of authors can only be accounted for if the real author of that book had the initials ר"ח, which were intended to stand for רב הפ"ן. But to some Halakists who were not familiar with Arabic this name was unknown, and they therefore took these letters to stand for ה"חננאל. Had not these letters been the initials of the real author, the confusion could hardly have arisen.

We thus have three arguments in favour of the authorship of Hefes: (1) The obvious connexion of the names; (2) the quotation in *Sefer Mišvot Gadol* and Responsa of R. Meir of Rothenburg; (3) the wrong ascription to R. Ḥanan'el. On the other hand, no evidence whatsoever has been hitherto adduced against his authorship.

There are, however, some quotations from the *Sefer Hefes* which, to my mind, could scarcely have formed part of the Book of Precepts. Thus from the *Or Zarua'* it seems that the *Sefer Hefes* contained Responsa of Natronai and decisions of Palṭoi and the Academies.¹⁵¹ Now I have often had the occasion to remark that Hefes never quotes post-talmudic authorities. Moreover, in some cases this work is called ספר החפ"ן, and in others ספר החפ"ן. The latter occurs in the passage where Palṭoi is quoted. I therefore

¹⁴⁹ See Rapoport, *R. Ḥanan'el's Biography*, note 36.

¹⁵⁰ *Ḳebu'at Ḥakamin*, pp. 55 ff.

¹⁵¹ III, Baba ḳamma 281, 284.

venture to suggest that there were two books, one called ספר החפין, and the other ספר החפין. The former was the Book of Precepts, and meant *the Book by Hefeş*, while the latter was a collection of gaonic responsa and decisions, and was probably vocalized ספר החפין, the allusion being to Ps. 34. 13. Later writers confounded these two books, and the distinction was lost sight of. We consequently find extracts from the Book of Precepts headed בספר החפין,¹⁵² while a Responsum is ascribed to the ספר חפין.¹⁵³

III

THE BOOK OF PRECEPTS

It is fairly certain that Hefeş b. Yaşliah's Book of Precepts was the first attempt to codify the talmudic laws in Arabic. Indeed it may claim priority in giving an exhaustive, though brief, account of all ordinances in a logical order in any language. He went beyond his predecessors by collecting all the precepts, and arranging them into groups.¹⁵⁴ Instead of arranging positive precepts in one group and negative ones in another, as is done by practically all writers, including Maimonides, he incorporates all precepts, positive and negative, belonging to one category, in one book (פנל). He then divides them into two or more sections according to their subject-matter.

¹⁵² *Or Zarua'*, Baba ḥamma 370.

¹⁵³ *Ibid.*, 281.

¹⁵⁴ Rapoport (*Kebuṣat Ḥakamin*, p. 58) states that Hefeş arranged the precepts without any order or logical division, but divided them into chapters in accordance with the punishments. That this is incorrect is easily seen from the preserved fragment as well as from the two precepts quoted by Judah b. Barzillai. The passage in Maimonides's *Sefer ha-Miṣwot*, p. 55, upon which Rapoport bases his assertion, does not in the least warrant such a conclusion, as will be seen below.

These sections are in their turn subdivided into positive and negative precepts. Where necessary, he assigns different classes to precepts that are obligatory throughout all ages and countries, and to those that are only incumbent during the existence of the Temple, or only in Palestine. It was a monumental work, a code in the real sense of the word, and contained a good deal of material which from the strict point of view of the codifier might have been considered irrelevant. But as a theologian Ḥefeṣ had to assign reasons for every precept. What other writers did in various treatises, he attempted to incorporate in one book. Our fragment, which consists of sixty-three closely written pages, comprises fifty complete precepts and parts of two others, that is to say, about fifty-one precepts. Although they greatly vary in extent, it will be readily granted that we have here a fair sample of the average length of a precept. We are thus justified in assuming that these sixty-three pages represent a little less than a twelfth part of the book, minus the introduction, so that the enumeration and discussion of the precepts occupied approximately eight hundred pages. Add to this the introduction, which must have been rather lengthy,¹⁵⁵ and it is evident that the entire book contained something like a thousand pages.

As we do not possess Ḥefeṣ's introduction (مدخل) to this book we cannot state with certainty the reasons that induced him to compose the Book of Precepts. It is, however, easy to see that his purpose was mainly halakic. Not being satisfied with the treatment of the subject in the Halakot Gedolot, which is incomplete, he determined to codify the ordinances in a more convenient manner.

¹⁵⁵ See below.

Furthermore, Arabic at that time practically supplanted Aramaic as the vernacular among the bulk of the Jews, and this book supplied a much-felt need. It could be used by the layman who did not care to enter into the minute discussions of the Talmud which was written in a dialect that few understood in those days; while even the profound talmudic scholar might profit by it, as it contained all the sources upon which the decisions were based. Zunz hesitatingly suggests that it may have been directed against Karaite works of the same title that were written at that time.¹⁵⁶ But the absence of any polemical allusion militates against this view. There is only one place where Ḥefes refutes the opinion of another scholar. This is in connexion with the age when a girl attains her majority.¹⁵⁷ But as the dispute turns on the interpretation of the statement of Samuel אין בין נערות לבגרות אלא ששה חדשים בלבד, it is obvious that the scholar whose view Ḥefes refuted was a Rabbanite.

As to the structure of the Book of Precepts we know that it had a lengthy introduction (مدخل) which, apart from defining the author's system and method, gave a survey of the principles underlying the biblical and talmudic ordinances. Ḥefes states¹⁵⁸ that in the introduction he explained and discussed all cases where option was allowed. It was in that part of the work that his strictures on the author of the Halakot Gedolot were expressed. Although neither Ibn Bal'ām¹⁵⁹ nor Maimonides,¹⁶⁰ from whom we know that Ḥefes criticized the method of the Halakot Gedolot,

¹⁵⁶ Haarbrücker's *Specimen of Tanḥum Yerushalmi*, p. 54.

¹⁵⁷ Text, fol. 22 b.

¹⁵⁸ Fol. 17 a, ll. 17 ff.

¹⁵⁹ Commentary on Deut. 30. 2 (ed. Fuchs).

¹⁶⁰ *Sefer ha-Miṣvot*, p. 5 (ed. Bloch).

states in what part it occurred, it is legitimate to assume that it found place in the introduction. For it is in the introduction to his *Sefer ha-Miṣwot* that Maimonides criticizes his predecessors.

It is impossible to say exactly how many parts the book consisted of; but there were at least thirty-six of them, for the thirty-sixth part is quoted by Ḥefes himself.¹⁶¹ In his treatment of individual precepts he is quite methodical, though monotonous. He practically uses the same formula in every case. Positive precepts are introduced by חונן or תאמר, while negative ones invariably begin with תנאי, all of which verbs are either used impersonally or have יצא as their subject. In a comparatively few words a *résumé* of the biblical law is given. He then goes on to state the ramifications and amplifications added by the Rabbis. He always quotes the passage upon which his decisions are based, first giving the pentateuchal verses and then the rabbinic passages. In this respect he radically differs from Maimonides who does not reveal his sources.

The entire range of tannaitic and amoraic literature is at the command of Ḥefes, and he makes ample use of both Talmudim and of all halakic Midrashim. He refers to the Tosefta, Sifra, Sifre, Sifre Zuṭā, and to both Mekiltas, all of which seem to be of equal authority to him. A curious instance may be given here. The Mishnah in Kelim¹⁶² records a controversy between the schools of Hillel and Shammai concerning the defilement of bands used for wrapping up scrolls. Shammai's school maintain that such bands are subject to ritual defilement, no matter whether they are embroidered or not, whereas Hillel's school are of opinion that only those that are not embroidered are

¹⁶¹ See text, fol. 12a, l. 15.

¹⁶² 28. 4.

susceptible to uncleanness. Rabban Gamaliel adds his opinion that in both cases the bands cannot be defiled. The Mishnah gives no decision on this matter, but the Tosefta explicitly states that the matter is to be decided in accordance with the opinion of Rabban Gamaliel.¹⁶³ Maimonides in his commentary on the Mishnah,¹⁶⁴ and in his Code,¹⁶⁵ disregarding or overlooking the Tosefta, rejects Rabban Gamaliel's view, and adopts that of Hillel's school, as is usually the case when the Hillelites and Shammaites disagree on a point of law. Hefes, however, decides in accordance with the opinion of Rabban Gamaliel, and quotes the passage from the Tosefta (without indicating the source, as is his custom) as his authority.

With the scanty material at our disposal it is impossible to attempt a reconstruction of this work. Nevertheless from the quotation found in the works of other writers, and from the numerous allusions in the preserved fragment, we are able to glean a few details which give us some idea of the nature and contents of the other parts. The introduction has already been referred to above. The first book contained ethical precepts, as may be seen from the first two precepts quoted by Judah b. Barzillai. The numerous references to this book show that it was of considerable length. In it Hefes had the opportunity of giving utterance to his philosophical and theological speculations. This book also dealt with the relation of God to man, and hence some of the ordinances appertaining to first-fruits and heave-offerings were described there.¹⁶⁶ For the same reason the ethical side of vows was discussed in that book, and a principle was laid down whereby to know

¹⁶³ Tosefta Kelim, Baba batra 6, 4.

¹⁶⁴ Ed. Derenbourg, p. 217.

¹⁶⁵ Hilcot Kelim, 22. 6.

¹⁶⁶ See text, fol. 13 a, l. 22.

what kind of vows may be made nowadays, and which are forbidden.¹⁶⁷ It also pointed out that the judges are obliged to urge a man to fulfil his vows,¹⁶⁸ and that the vow is to be carried out during the time set for it; if no time was set, he must carry it out at the earliest opportunity.¹⁶⁹ Maimonides, too, preserved a short sentence which is supposed to belong to the first book. It is as follows: *ומנהא אתנין וחלתין מעני אכברנא באנה חב ותע יתולי פעלהא* *לא נתן נמיעהא מצמון*. *Out of them are thirty-two cases concerning which He informed us that He who is blessed and exalted will supervise their committal, not we; all of them are explicitly stated.*¹⁷⁰ Maimonides who explains this passage says that the thirty-two cases are twenty-three persons who are punished with being cut off (כרת), and nine who are put to death by God. We thus know that this book treated of certain transgressions and their punishments. It should, however, be observed that Maimonides does not mention Hefes by name in this passage. It is the plausible

ואלנדרור אלת יצה פעלהא פי הדא אלומאן ומה לא יצה פעלהא¹⁶⁷
 פקר דכרנא עיונהא פי אלפעל אלאל (*ibid.*, l. 19).

¹⁶⁸ See text, fol. 20 b, l. 4.

¹⁶⁹ *Ibid.*, fol. 21 b, l. 20.

¹⁷⁰ *Sefer ha-Miṣwoṭ*, ed. Bloch, p. 55. My translation of the last word is against the Hebrew rendering of Ibn Tibbon, who translates מצמון by נערכים, *guaranteed*. Although that word happens to have that signification, it is more than doubtful whether it suits the context. Moreover, Maimonides explains the words נמיעהא מצמון in the following manner: *אנה תע צמן אנה*, *that He who is exalted explicitly stated that He would cut off one and put the other to death*. Here again Ibn Tibbon has ערב for צמן. But where is the guarantee expressed? or what need is there for a guarantee? What Hefes said is that some punishments are to be administered by God Himself, and this would naturally be in cases where the Bible states והכרתיו or some other word. Now *ضمن* means *be placed, deposited*, and hence also *contained* (in the fifth conjugation, which has a passive meaning). The signification *he stated* is a simple development of *he made it contain* (as the contents of a book).

conjecture of Rapoport;¹⁷¹ but it has no independent corroboration, except that in the preserved fragment Ḥefeṣ enumerates twenty actions for which, according to tradition, God, not man, administers punishment.¹⁷² Then even if we grant that Ḥefeṣ is meant by *עֲזָאחַב כְּתָאב אִלְשְׂרָאִיעַ*, it is not certain whether the above quotation is from the first book. Maimonides uses the expression *פִּי אוֹל פֶּעַל* which is not elegant Arabic for the *first book*, and ought to be *אֶלְפֶּעַל אֶלְאוֹל*. It is only in colloquial Arabic that one says *awwal nauba* = 'the first time', instead of *annauba al-ūlā*, or better still, *al-marra al-ūlā*. Is it not possible that Maimonides merely meant *at the beginning of a book*, as if he would have said *כְּפִי צִדֵּר פֶּעַל*?¹⁷³ It is true that Ibn Tibbon who rendered it by *בְּשַׁעַר הָרִאשׁוֹן* took the phrase in its colloquial sense; but then it is quite possible that the translator misunderstood the author.

To the second book we have one allusion by Ḥefeṣ himself. From it we learn that that book dealt with the acquisition of slaves and all the laws appertaining thereto.¹⁷⁴

The third book, part of which is preserved, dealt with the laws of damages, and contained four sections. Our fragment begins with the middle of precept 8, section 3

¹⁷¹ *Ḳebuṣat Ḥakamim*, p. 58.

¹⁷² וְתִצְמַן אֶלְנִקֵּל בָּאֵן ז' פֶּעַלָּא לִם תְּדַכְרֵהָא אִלְשְׂרִיעִיָּה עֲקָאב פֶּאֶעֱלֵהָא לִיסַת אִלְיֵנָא בִּל אֱלֵלָה תְּבַרְךְ (fol. 4 a, l. 21).

¹⁷³ The same usage is found in Ḥefeṣ (fol. 8 a, l. 16), *פִּי אוֹל אֶלְפֶּעַל אֶלְב*, *at the beginning of the second book*.

¹⁷⁴ קִד שְׂרַחְנָא הִדָּה אִלְשְׂרִיעִיָּה שְׂרַחָא שְׂאִפִּיָּא פִּי טִי שְׂרַחְנָא כִּי תִקְנָה עֲבַד עֵב פִּי אוֹל אֶלְפֶּעַל אֶלְב נִסְתַּנְנִי עֵן דְּכִר שִׁי מִנָּה הֵהֵא *I have already explained this precept (concerning a man sold into slavery for theft, Exod. 22. 2) satisfactorily in the midst of my explaining the law about the acquisition of a Hebrew slave, at the beginning of the second book; I have thus no need to mention anything here (loc. cit.).*

of this book. Further on a detailed discussion of the precepts that are preserved in this fragment will be given. For the present I only wish to remark that it seems to me that precepts 3-8 and 10, 11 of section 4 of this book do not belong here. All the other precepts deal with damages, while those just mentioned treat of sacrifices. Considering the numerous errors that crept into our copy such a supposition is not precluded.¹⁷⁵ Of course the reverse may just as well be the case, that is to say, it is possible that the precepts dealing with damages are misplaced here, while those treating of sacrifices are in their place. This alternative suggestion would find support in the fact that the immediately following book also deals with sacrifices.

The fourth book treats of free-will offerings, vows, consecrations, and a few other priestly laws. It contains thirty-six precepts, which are divided into three sections according to their subjects.

The fifth book is devoted to special kinds of ritual defilement resulting from coming into contact with dead bodies or creeping things. As the ramifications of these precepts are extremely vast, while only a few verses are devoted to them in the Pentateuch, each precept extends over considerable length. Fourteen pages are taken up by the first two precepts and a portion of the third.

There are two references by Hefes to the sixth book, and from them we learn that it dealt with the tithes of corn, &c.,¹⁷⁶ and the various kinds of blood.¹⁷⁷ It is very

¹⁷⁵ See, especially, text, fol. 8 a, l. 11.

¹⁷⁶ אֲלֵמַעֲשִׂוֹת סִנְדְּרָהָא פִי אֲלִפְצֵל אֱלֹי (fol. 13 a, l. 18).

¹⁷⁷ וְסִנְדְּרָא צִנוּף אֲלִדְמָא פִי שְׂרִיעָה וְכָל דָּם לֹא תֹאכְלוּ פִי אֲלִפְצֵל
אֱלֹהִי. אֲלֵחֲתָא לֵהֲרָא אֲלִפְצֵל אֵן שָׂא אֱלֹהִי. *We shall enumerate the various kinds of blood in the precept 'ye shall eat no blood' in the book which follows this one,*

likely that its main subject was things that are permitted to be eaten and those that are prohibited. Tithes and blood would naturally be included under these headings.

The tenth book dealt with various kinds of blemishes found in animals, according to an allusion to it by Ḥefes.¹⁷⁸

The fourteenth book is once referred to, and we learn that its theme was the firstlings of animals.¹⁷⁹

From the reference to the second precept of the nineteenth book it seems likely that that book dealt with various kinds of defilement. Ḥefes quotes a passage from tractate Nazir dealing with certain causes of defilement, and he then remarks: *I shall explain this passage in the second precept of the nineteenth book.*¹⁸⁰

The thirty-sixth book was similar to the tenth, and treated of blemishes that are found in human beings. According to the allusion to it this book was specially devoted to the elucidation of all the terms used for the various kinds of blemishes.¹⁸¹

It will thus be seen that Ḥefes arranged the precepts in a logical order, but tried to follow the Bible as closely as possible. The ethical precepts take precedence of all others, for they are the mainstay of religion. These ordinances disposed of, the author at once takes up the laws in Exodus, which are followed by those of Leviticus. Keeping the logical arrangement in mind, he is obliged

please God (fol. 26 b, l. 7). As this remark occurs in the fifth book it obviously refers to the sixth.

¹⁷⁸ וסנסתופי שרח דלך ואשבאהה פי אלפעל אלעאשר. *I shall complete the explanation of this subject* (of blemishes) *and similar ones in the tenth book* (fol. 12 a, l. 21).

¹⁷⁹ ואלבכורות איצא פסנכרהה פי אלפעל אלוך (fol. 13 a, l. 19).

¹⁸⁰ וסנשרח הדא אלקול פי אלשריעה אלב מן אלפעל אלוך (fol. 20 a, l. 16).

¹⁸¹ See text, fol. 12 a, l. 14.

to deviate now and again from the biblical order. This is naturally unavoidable, as precepts of the same character are found scattered in two or more books of the Pentateuch. Thus the cardinal precepts of the fourth book of Hefes's work occur in Leviticus, for it is in that book that free-will offerings are first mentioned; but there are a few kinds of these offerings that are to be found in Numbers. Similarly in the case of vows. The laws appertaining to a Nazarite are to be included in this category, but they occur in the sixth chapter of Numbers, while other ordinances about vows occur in the thirtieth chapter of that book, and some are in Leviticus.

(To be continued.)

PROLEGOMENA TO A GREEK-HEBREW AND HEBREW-GREEK INDEX TO AQUILA

BY JOSEPH REIDER, Dropsie College.

CHAPTER II

AQUILA'S KNOWLEDGE OF THE HEBREW GRAMMAR AND LEXICON

18. WHEN we speak of Aquila's knowledge of the Hebrew Grammar and Lexicon, it should be understood that we cannot possibly have in mind a systematic treatise of Hebrew grammar or a Hebrew-Greek lexicon ready-made, but rather that empiric and practical acquaintance with grammatical rules and the meanings of words without which no translator could operate at all. At best it may be said of the period antedating the rise of a scientific study of the Hebrew language in the tenth century that grammatical reflexion manifested itself then in a rudimentary way. Thus we find empiric observations in the talmudic literature which, however, do not go very far.⁷⁰

⁷⁰ On the history of grammar, see Steintal, *Geschichte der Sprachwissenschaft bei den Griechen und Römern mit besonderer Rücksicht auf die Logik*, I, 1895, 25 ff.; v. d. Gabelentz, *Die Sprachwissenschaft, ihre Aufgaben, Methoden und bisherige Ergebnisse*, 1901, 17 ff. The history of Hebrew grammar is treated in full by S. D. Luzzatto, *Prolegomeni ad una grammatica ragionata della lingua ebraica*, 1836, 11-71; Franc. Delitzsch, *שפת ישורון, Isagoge in grammaticam et lexicographiam linguae hebraicae*, 1838; W. Bacher, *Die hebräische Sprachwissenschaft* (vom 10. bis zum 16. Jahrh.), mit einem einleitenden Abschnitt über die Massora, 1892; specifically the beginnings of Hebrew grammar by Bacher, *Die Anfänge der hebräischen Grammatik*, *ZDMG.*, XLIX, pp. 1 ff. and 335 ff. The grammatical observations of the ancients are summed up by Berliner, *Beiträge zur hebräischen Grammatik im Talmud und Midrasch*, 1879; comp. also Bacher, *Anfänge*, 3-7.

When it is remembered that both Saadya and Menaḥem b. Sarūḳ have quite primitive ideas concerning the nature of Hebrew roots⁷¹ and to what sad consequences of a practical kind these erroneous notions led in Ḳalir's paitanic productions,⁷² it were idle to expect any sounder views from Aquila. Just because Aquila is given to etymologizing,⁷³ the foregone conclusion that he will have exposed himself to the pitfalls of a primitive root theory is verified all too well.

The following examples, which are by no means exhaustive, may serve as an illustration: אטט is combined with נטה 3 Kings 21. 27 where אט = *κεκλιμένος*; אמר is confused with מור Deut. 26. 17 where האמר is rendered *ἀντηλλάξω*, a word used by א' for המיר Ps. 45 (46). 3; אנה with נוא Ps. 90 (91). 10 where *μεταχθήσεται* = תאנה, comp. *μετάγειν* = הניא 32 (33). 10; ניש with יאש Ps. 68 (69). 21 where *καὶ ἀπεγνώσθην* renders וְאֶנְשִׁי, but *ἀπογνώσκειν* otherwise renders נוֹאֵשׁ, comp. 1 Kings 27. 1; אפק with פוק Job 41. 7 where *ὕπερέκχυσις* = אָפִיק, *ὕπερεκχέειν* being used by א' for הפיק Prov. 12. 2 and Isa. 58. 10; גיר with אִיר Deut. 1. 17 where תגירי = *κρυψης* according to BM, so also Sifre quoted by Rashi and Sanh. 6 b, 7 a: לא חכנים דבריר; הות with הִיהָ Ps. 61 (62). 4 where תהותתי = *ἐπιβουλεύετε*, comp. *ἐπιβουλή* uniformly = היות; ינה with מוג Isa. 51. 23 where מוגינה = *ἐδαφίζόντων σε*, comp. Ps. 45 (46). 7 where *ἐδαφίζειν* rightly renders מוג; חלל with חלל Ezek. 19. 5 where נוחלל = *ἐτρόθη*; ינה with יון Jer. 25. 38 (32. 24) where

⁷¹ The trilaterality of Hebrew roots was discovered by Ḥayyuj (end of the tenth and beginning of the eleventh century) and the theory perfected by Ibn Janah (first half of the eleventh century).

⁷² Comp. Zunz, *Die synagogale Poesie des Mittelalters*, p. 121 and particularly Beilage 9, p. 378 ff.

⁷³ See above, § 10.

יִנָּה is translated by *τεθολωμένη*, 'made turbid, muddy': קִיָּה with קִיָּה Gen. 49. 10 where *σύστημα*, which I. 10 is used for מִקְיָה, is the rendering for יִקְיָה; הַפְּרִיָּה = *τὴν καταφανήν* Gen. 22. 2, apparently from the root רָפָה; יִשְׁרָהּ = *ἐφ' ὁδεύσεις αὐτοῦ* Job 37. 3 is combined with שִׁיר, so Rashi; מוֹר with מִרְר Jer. 48 (31). 11 where נִמְר = *ἐπ' ἵκρανεν*; מִרְר with מוֹר Ezek. 20. 8 where וַיִּמְרִי is translated by *ἡλλαξαν*; מִשְׁק with שָׁקָה in Gen. 15. 2 where מִשְׁקָה = *ποτίζων*, an abbreviated מִשְׁקָה; נָצָא with צִיִּין Jer. 48 (31). 9 where תִּצָּא = *ἀνθοῦσα ἐξελεύσεται*; נָצָה Job 39. 13 is combined with גִּין *ἰέραξ* (hawk, falcon); פִּילִי = *σκευαστής* Isa. 32. 5 combined with פִּלִּי *σκεῦος*; סָלָה with סָלָל Ps. 118 (119). 118 where קָלִיָּה = *ἀπεσκολόπιστας*, a word used in two places for קָלָל, comp. Ps. 67 (68). 5 and Isa. 57. 14; the same confusion is evident Job 28. 16, 19 where תִּסְלָה = *ἀναβληθήσεται*; עָבָה with עוֹב Exod. 19. 9 and Isa. 19. 1 where עָב (cloud) is rendered by *πάχος* (thickness); וְתִפֹּר = *καὶ καρπεύσει* Eccles. 12. 5 is combined with פֶּרֶר *καρπός*; צָבִי *δύναμις* Isa. 4. 2 by confusion with צָבָא; on the other hand צָבִי Ezek. 20. 6, 15 is rendered *στάσις* from נָצַב (יָצַב); צוֹק is confounded with יָצַק Prov. 1. 27 where צוֹקָה = *ἐπ' ἡλυσίς*; יָצָה = *ἐξελεθόν* Deut. 23. 13 (14) is derived from יָצָא rather than from צוֹא (but perhaps *α'* is in agreement with the intent of the *nikkūḏ*); לָצִים = *τοῖς ἐξελευσσομένοις* with *θ' ε'* and ⑥ to Num. 24. 24 (comp. Barth, *Nominalbildungen*², p. 188 below, also Chajes, *RÉF.*, XLIV, p. 226) is likewise derived from יָצָא Ps. 73 (74). 14; צִיר is accommodated to צוֹר Jer. 49. 14 (29. 15) where *περιοχή* (which usually = מְצוֹר) stands for צִיר; צָעָה to יָצַע Isa. 63. 1 where צָעָה = *καταστροφώνων*, a word used Job 12. 23 for שָׁטַח; again Jer. 48 (31). 12 where וַיִּצָּעוּהָ צָעִים = *στρώτας, καὶ στρώσουσιν αὐτόν*; רִדָּה to רִדָּה Hos. 11. 12 (12. 1) where רָר = *ἐπικρατῶν*; רָעָה to רָעָה Ps. 59 (60). 10 where הִתְרָעָעִי = *ἡταιρήσατο*, so Rashi; רָעָה to

רָעָה Jer. 15. 12 where הִרְעָה (= *num franget*) is translated by *μὴ ἀρμόσει*; רָפָה to רָפָא Ps. 45 (46). 11 where הִרְפִּי = *ιάθητε*; on the contrary רָפָא to רָפָה Prov. 15. 4 where מִרְפָּא לְשׁוֹן = *προσηγὴς γλῶσσα*; שָׁנָה to שָׁנָן Deut. 6. 7 where וְשִׁנְנֶתֶם is rendered by *δευτερώσεις*, and also 28. 37 where שִׁנְיָה = *δευτέρως*.⁷⁴

19. Conscious of the various functions belonging to the various conjugations in Hebrew, Aquila endeavoured to differentiate as much as possible between them by using certain types of Greek verbs for certain types of Hebrew verbs. Thus, the pi'el and hiph'il are expressed to a large degree by verbs ending in *-oûn* and *-ázew, -ízew*: הוֹרִישׁ = *καταβιβάzew*, קָדַשׁ and הִקְדִּישׁ = *ἀγιάzew*, נָקָה = *ἀθροûn*, הִנְבִּיר = *δυναμοûn*, שָׁהָה = *ἐξισοûn*, הִיָּה and הִתְהִיָּה = *ζωοûn*, קָצַר and הִקְצִיר = *κολοβοûn*, הִשְׁקָה = *ποτίzew*, הִשְׁמִיעַ = *ἀκουτίzew*, הִשְׁנָה = *ἀγνοηματίzew*, הִבְשִׁיל = *σκανδαλοûn*, הִאִיר or הוֹרָה = *φωτίzew*, שָׁחַר and הִשְׁכִּים = *ὀρθρίζew*, פָּוַר and הִפִּיץ = *σκορπίzew*, יָדַע and הוֹרִיעַ and הִרְאָה = *γνωρίζew*, &c. Verbs with *-oûn* and *-ízew* are less frequently used for the *kal*, e.g. בָּחַן = *δοκιμάzew*, כָּבַב = *κυκλοûn*, שָׁכַן = *σκηνοûn*; while the pi'el and hiph'il are sometimes rendered also by ordinary verbs, e.g. שָׁחַת and הִשְׁחִית = *διαφθείρειν*, הִשְׁיב = *ἐπιστρέφειν*, שָׁפַח = *εὐφραίνειν*, הִכְרִיעַ = *κάμπτειν*. The hiph'il is sometimes rendered also by a combination with *ποιεîν*, as e.g. הִחֲיוֹק = *ἰσχυροποιεîν*, הִרְגִּין = *αἰνοποιεîν*, הוֹרִיעַ = *γνωστον ποιεîν*, הִצְמִית = *ἄφωνον ποιεîν*. Moreover, verbs with *-únein* are sometimes employed to render the hiph. and more rarely the pi. as, for instance, גָּדַל and הִגְדִּיל = *μεγαλúnein*, הִיטִיב = *ἀγαθúnein* and הִרְחִיק = *μακρúnein*.

⁷⁴ As to the confusion of roots in the Septuagint comp. Frankel, *Vorstudien*, p. 200.

20. Where a Hebrew intransitive verb = a Greek passive verb, the pī'el and hiph'il of the intrans. are rendered by the active of the Greek verb. Thus קָצַר = κολοβοῦσθαι, קָצַר and הִקְצִיר = κολοβοῦν; שָׁבַע = ἐμπιπλᾶσθαι, שָׁבַע and הִשְׁבִּיעַ = ἐμπιπλᾶν; נָבַר = δυναμοῦσθαι, הִנְבִּיר = δυναμοῦν; בָּהַ = μετεωρίζεσθαι, הִנְבִּיהַ = μετεωρίζειν; אָרַ = φωτίζεισθαι, הִאִיר = φωτίζειν; כָּשַׁל = σκανδαλοῦσθαι, הִכְשִׁיל = σκανδαλοῦν; בָּבַר = βαρύνεσθαι, הִכְבִּיר = βαρύνειν; פָּיַן = διασκορπίζεισθαι, הִפְיִין = διασκορπίζειν; רוּם = ὑψοῦσθαι, הִרִים = ὑψοῦν; תָּעָה = πλανᾶσθαι, הִתְעָה = πλανᾶν; תָּם = τελειοῦσθαι, הִתָּם = τελειοῦν; טָמָא = μιάινεσθαι, הִטָּמָא = μιάίνειν; שָׁוָה = ἐξισοῦσθαι, הִשָּׁוָה = ἐξισοῦν; שָׁמַח = εὐφραίνεσθαι, הִשְׁמַח = εὐφραίνειν.

21. The passive conjugations are invariably rendered by the Greek passive, the stem remaining the same as in the active, if the active exists. Thus יָדַע = γινώσκειν, נִדַּע = γινώσκεσθαι; כָּתַב = γράφειν, נִכְתַּב = γράφεσθαι; בָּנָה = οἰκοδομεῖν, נִבְנָה = οἰκοδομείσθαι; נָאָל = μολύνειν, נִאָּל = μολύνεσθαι; הָבָה = πλήσσειν, הִבָּה = πλήσσεσθαι. Where the pass. is found translated by the active it is mostly due to a different vocalization on the part of our translator, as, for instance, Job 28. 15 יָתַן = δώσει presupposes the pointing יָתַן (sbj. הִנְתַּן, so also θ'). On the other hand, there are a few passives construed as actives, but in these instances the whole rendering is paraphrastic. Thus Gen. 30. 8 נִפְתַּח־לִי נִפְתַּח־לִי אֲלֵהִים = συνανέστρεψέν με ὁ θεὸς συναναστροφῇν; Isa. 26. 3 בָּטַח בְּיְהוָה = ὅτι ἐπ' αὐτῷ πεποιθήσιν, unless *a'* read בטחו; Jer. 16. 6 לֹא יִקְרָח לָהֶם וְלֹא יִשְׁמַח = οὐδ' οὐ μὴ φαλακρώσουσιν αὐτούς; 38 (45). 27 לֹא נִשְׁמַח הָדָבָר = ὅτι οὐκ ἤκουσαν τὸ ῥῆμα. There are likewise some actives rendered passively, thus Lev. 15. 3 הִתְקַדְּשׁוּ ('inwardly transitive', GK., § 53 d-g) = ἐσφραγίσθη; Job 5. 5 יִקְחֵהוּ = ἀρθήσεται; Ps. 92 (93). 3 יִשְׁאָל = ἐπήρθη; Jer. 18. 23 אֶל-תִּמְחִי = μὴ ἐξαλειφθείη; 50 (27). 45

יִסְתַּחֲבוּ צְעִירֵי הַצֹּאן = εἰν μὴ συμψησθῶσι τὰ ἐλάχιστα . . . :
 Ezek. 13. 22 יַעֲזֹב הַקָּאֹת = . . . ἡμαυρώθη (implying הִקָּבֵה).

The hithpa'el is naturally rendered by the active, comp.
 Gen. 5. 22, 24 וַיִּתְּהַלֵּךְ = καὶ περιπατεῖ; Ps. 21 (22). 28 וַיִּשְׁתַּחֲוּ =
 καὶ προσκυνήσουσιν; Jer. 46 (26). 14 הִתְנַצַּב = στῆθι; or the
 middle, comp. Isa. 52. 2 הִתְפַּתְּחִי = περίλυσαι; or the passive
 as, for instance, Job 5. 4 וַיִּדְבְּאוּ = καὶ ἐπιτριβήσονται; Isa. 52. 2
 הִתְנַעֲרִי = ἐκτινάχθητι.

22. Aquila's knowledge of Hebrew syntax could only be gauged fully if we had more continuous texts of his version than we possess now. But even with the limited means at our disposal, considering even the fact that in the fragments preserved, outside the large recently discovered remains, complete sentences and phrases are rather scarce, it is easy to see at a glance that his knowledge of the rules governing the construction of the Hebrew sentence was sound. Of course, we must bear in mind the fact that in individual cases Aquila's exegesis may be at variance with our own. This is proved by the following illustrations:

(a) The Hebrew perfect is largely rendered by the Greek aorist, as, e.g. יָשַׁב = ἐκάθισεν, קָרַב = ἤγγισεν, עָבְרִי = παρῆλθον, נִצְרָתִי = διετήρησα. In a few characteristic passages the Greek perfect takes the place of the aorist: Gen. 1. 29; Ezek. 3. 9 נָתַתִּי = δέδωκα; Exod. 7. 1 נִתְּתִי = δέδωκά σε; 1 Kings 9. 24 קָרָאתִי = κέκληκα; Ps. 30 (31). 23 נִגְבַּהְתִּי = ἐξέγερμαι; Jer. 18. 12 נֹאֲשָׁא = ἀπήλπισται. Sometimes the pluperfect is found, as, for instance, Ps. 24 (25). 2 and 30 (31). 15 where קָטַחְתִּי = ἐπεποίησιν. Or the imperfect is used, as Deut. 32. 17 שָׁפְעוּ = ἐτρίχίωσιν αὐτούς⁷⁵; Ps. 118 (119). 174 הִתְאַבְּחִי = ἐξειχόμην; Jer. 2. 24 שָׁאַפָּה = ἐῤκνευεν; Ezek. 22. 29 הִזְנוּ = ἐβιάζοντο. When the Hebrew pf. refers

⁷⁵ Aquila combines the verb with שָׁפַע θρίξ.

to God and His decree it is properly rendered by the future: Jud. 4. 14 נָצַרְתָּ (וְהָיָה) = ἐξελεύσεται; Ps. 76 (77). 10 חֲבַשְׁתָּ = μὴ ἐπιλήσεται. Similarly the future is used to indicate an action the accomplishment of which lies in the future: Job 18. 20 נִשְׁמוּ = ἀδημονήσουσιν; 41. 1 נִבְרָה = διαψεύσεται; Prov. 8. 35 נִצְרָה = εὐρήσει. Abnormal is εἰσάκουσόν μου for עֲנִיתִי Ps. 21 (22). 22 for which there is a variant εἰσήκουσας based on the Syrohex.⁷⁶ In a conditional clause the pf. is aptly translated by the aor. subj.: Ezek. 3. 18 הִוְהִיתִּי = διαστελῇ (supply καὶ μὴ, in dependence on אַ cum infin.). Examples of the present: Job 24. 5 נִצְרָה = ἐξέρχονται; 36. 30 שָׁרָה = ἐκπετάζει; Prov. 6. 8 אֲנִירָה = συστρέφει (gnomic tense); and with reference to God Jer. 10. 7 אֲתָהּ = πρέπει (or ἐπιπρέπει). The pf. with ו prefixed is rendered by article cum pt., comp. Eccles. 2. 17 where נִשְׁעַשְׁעָה = τὸ ποιοῦμενον. Similarly, the pf. with אָ preceding: Jer. 7. 1 אָשִׁירָהּ = ὁ γενόμενος; 10. 25 אָשִׁירָהּ לֹא יָדַעַתְּ = . . . γνώσκοντα . . .; 34 (41). 5 אָשִׁירָהּ יְיָ = τῶν γενομένων; 52. 15 אָשִׁירָהּ נָפְלוּ = τοὺς ἐμπεπτωκότας. The pf. with אָ preceding is translated by the aor. subj. preceded by εἰά, as, e.g. Ps. 40 (41). 7 אָשִׁירָהּ = (καὶ) εἰά, ἐλθῇ; with לָ preceding Ps. 18 (19). 4 לָשִׁירָהּ נִשְׁמָעָה = οὐ μὴ ἀκουσθῇ. Two asyndetic perfects are brought into subordination: pt. aor. cum pf. aor., as Ps. 9. 24 (10. 3) נִצְרָה בָּרָךְ = εὐλογήσας διέσυρε; a similar treatment is given a pf. followed by an impf., comp. Ps. 59 (60). 3 לָנִי תִשׁוּבָה אָשִׁירָהּ = θυμωθεὶς μετέστρεψας ἡμᾶς, and a pf. followed by an impf. consecutive, comp. Ps. 49 (50). 1 וְיִקְרָא בָּרָךְ = λαλήσας ἐκάλεσε.

(b) The pf. with ו consecutive is usually expressed by καὶ cum fut., as, for example, וְהָיָה = καὶ ἔσται Exod. 26. 6 and elsewhere; (וְהָיָה) (καὶ) διαστελῇ Exod. 18. 20

⁷⁶ Comp. Taylor, *loc. cit.*, p. 29.

(s. Field); Ezek. 3. 17; וְקָרָאתָ = καὶ καλέσεις Jer. 7. 27; וְאָמַרְתָּ = καὶ ἐρεῖς, *ibid.*, 28; וְקָפְדוּ = καὶ κόψονται Zech. 12. 10. Sometimes the future is replaced by imp. aor. (praes.), comp. Ps. 24 (25). 11 וְסִלַּחְתָּ = καὶ ἱλάσθητι; Jer. 29 (36). 12 וְקָרָאתָם וְהִלַּכְתָּם אֲתִי = καὶ ἐπικαλέσασθέ με καὶ πορεύεσθε. Or the Hebrew form is conceived as expressing a purpose and so infin. aor. preceded by *toû* is employed—a form which, as will be seen below, is otherwise confined to the inf. with the prefix ל—as, e.g., Jer. 38 (45). 10 וְהָעֵלִיתָ = *toû* ἀναγαγεῖν. When in dependence upon וְ cum imperf. (*ὅταν* cum conjunct. aor.) וְ cons. cum perf. is naturally expressed by καί cum conjunct. aor., as, for instance, Lev. 5. 15 וְהִטָּאָה . . . בְּיַתְּמָעַל *ὅταν* παραβῇ . . . καὶ ἀμάρτη. The perf. with וְ consec. in an iterative force becomes in Greek an imperf., comp. 3 Kings 9. 25 וְהָעֵלָה = καὶ ἀνεβίβαζεν. On the other hand, when the Hebrew pf. is joined to a weak וְ, it is expressed correctly by the pf., comp. Jer. 7. 28 וְנִכְרְתָהּ = καὶ ἐξηῇται; we may infer that the preceding וְנִכְרְתָהּ was rendered ἐκκλέλοιπεν, comp. Mic. 7. 2.

(c) The impf. is generally rendered by the Greek fut., as וְאָרַע = γνώσομαι, וְאָקְרָא = καλέσω, וְיִשְׁכֹּן = σκηνώσει. The aor. is used for the impf. frequentative or iterative: Gen. 2. 6 וְהָעֵלָה = ἀνέβη; Job 21. 10 תִּשְׁכַּל = ἐδυστόκησεν; 30. 12 וְקָמוּ = ἀνέστησαν; 31. 13 וְקָמָא = ὑπέρριψα; Ps. 17 (18). 44 וְעָבְדוּנִי = ἐδούλευσάν μοι; 54 (55). 15 נִמְתִּיק = ἐγλυκάναμεν; 94 (95). 10 וְקָמוּ = δυσσηρεστήθην; 102 (103). 7 יִדְרֵעַ = ἐγνώρισεν; 117 (118). 10 וְאִמְלֵם = ἡμυνάμην; Isa. 26. 10 וְיָחַי = ἡλεήθη. Naturally, the Greek impf. may be employed, comp. Ps. 37 (38). 21 וְיִשְׁטַנְנִי = ἀντέκειντό μοι (comp. ㊄); 68 (69). 5 וְאָשִׁיב = ἐπέστρεφον (comp. likewise ㊄); 77 = ἐπεκράτουν (so read for ἐπεκρότουν). The impf. is also translated by an aor. when it carries on a pf. as, for instance, Job 21. 10 וְעָלָה =

ἐξέβαλε; Ps. 7. 16 יַפְעַל = εἰργάσατο; 73 (74). 5 יָרַע = ἐγνώσθη; Prov. 7. 21 תְּרִיחֵנִי = ἔξωσει; Isa. 30. 4 יִגְעִי = ἡγγισαν; 41. 2 יָתַן = ἔδωκε. Similarly the aorist renders an imperf. which in poetic style replaces a perf., comp. Job 10. 19 אֶבְלֵ (the force of the imperf. is clearly that of a perf. in the apodosis, verse 18 a in its interrogative form being the equivalent of a negative protasis = לֹא־יִלְיֶי מִרְחָם הוֹצֵאתִנִי; ⑤ carries on the interrogative: a's procedure is uncertain) = ἀπηνέχθην. The impf. frequentative or gnomic is rendered by the present: 4 Kings 9. 20 יִנְהֵג = ἐλαύνει; Job 38. 18 יִשְׁכֶּן = σκηνοῖ; Ps. 61 (62). 4 תִּהְיוּתֶנּוּ = ἐπιβουλεύετε; Prov. 1. 22 תֵּאֲהָבִי = ἀγαπάτε; 14. 33 תִּוָּרַע = γινώσκεται; 15. 18 יִנְהֵג = ἐρεθίζει; Isa. 38. 12 יִבְצְעֵנִי = ἐκτέμνει με (contrast תִּשְׁלִימֵנִי aorist a' σ' θ'). Jer. 27 (34). 17 תִּהְיֶה = γίνεται stands on a different plane; the imperf. is conceived as describing the nascent event (Driver, § 26), hence the Greek present. The impf. expressive of a general truth and attached to a substantive with omission of the relative (Driver, § 34) is aptly rendered by a part., comp. Ps. 41 (42). 2 בָּאֵיל תִּעְרֵג = ὡς αὐλῶν πεπρασiasμένος; Isa. 40. 15 בְּרֶגַע יוֹלֵד = ὡς λεπτόν (a' appar. pointed בְּרֶגַע) βαλλόμενον (so according to one edition); Jer. 10. 9 יִבָּא . . . בְּצָרָה = ἀργύριον . . . φερόμενον; Hos. 5. 13 יִרְבֵּא לִלְמַלְכָּהּ יָרֵב = <πρὸς βασιλέα> δικασόμενον (a' apparently read יָרֵב(י)); and again 10. 6 יִרְבֵּא לִלְמַלְכָּהּ יָרֵב = <βασιλεῖ> δικάζοντι. Similarly, when the antecedent is implied: Ps. 90 (91). 6 מִקֶּטֶב יִשְׁרָאֵל = ἀπὸ δηγμοῦ δαιμονίζοντος = a morsu insanientis. The pt. likewise covers the impf. circumstantial: Ps. 34 (35). 8 יָרַע לֹא תִבְוָאָהוּ שׂוֹאָה = <ἐπελθέτω αὐτῷ συμφορὰ> οὐ γινώσκουσι. Two asyndetic imperfects are brought into subordination: Job 10. 16 בִּי יִתְשַׁב תִּתְפַּלֵּא = καὶ ἐπιστρέψας ἐθαυμάστωσας ἐν ἐμοί; similarly an imperf. asyndetically following upon a perf. is expressed by an infin.: Deut. 32. 29 לִי הִקְבִּינִי יִשְׁכְּלִי = ὄφελον ἐσοφίσθησαν ἐπίστασθαι.

(d) The impf. after particles :

α. **אם** cum impf. = *ἐάν* cum coniunct. praes. sive aor. frequently (exx. for the present Gen. 4. 7 **אִם־תִּיטִיב** = *ἐὰν ἀγαθύνῃς*; Isa. 21. 12 **אִם־תִּבְעִיז** = *ἐὰν ἐπιζητήτε*).

β. **כִּי** cum impf. in a temporal sense = *ἐάν* cum coniunct. praes. sive aor., comp. Ex. 21. 18 **וְכִי יִרִיבֶנּוּ** = *〈καὶ ἐάν〉 διαμάχωνται*; Deut. 24. 22 (20) **כִּי תִחַבֵּט** = *〈ἐάν〉 ῥαβδίσης*. Or the temporal force may be expressed by a pt.: Job 5. 21 **יְבוֹא מִשֹּׁר כִּי יְבוֹא מִשֹּׁר אֵיב כִּי יְבוֹא**, the usual aversion to personifying an inanimate object; comp. the identical case Ps. 90 (91). 6 adduced above under (c)). On a different plane is the concessive force, comp. Jer. 50 (27), 11 **כִּי תִשְׁמְחוּ . . . וְתִצְהָלוּ** = *ὅτι ἐπεχάρητε . . . καὶ ἐχρημετίζετε* (the tenses exactly as in Θ; the pf. at the head of verse 12 is rendered in Θ by an aorist).

γ. **אֲשֶׁר** cum impf. Note Jer. 17. 7 **אֲשֶׁר יִבְטַח** = *ὁ ἐκποιθώς*.

δ. **לֵאמֹר** (בִּלְ) cum impf. = *μή* cum coniunct. aor. comp. Ps. 9. 36 (10. 15) **בִּלְתִּמְצָא** = *μή εὕρεθῇ* (implying **תִּמְצָא**); Jer. 11. 21 **וְלֹא תִמְנוּחַ** = *καὶ οὐ μὴ ἀποθάνῃς*.

ε. **עַד** cum imperf. = *ἕως ἄν* sive *ἕως οὖν* cum coniunct. aor., comp. Ps. 56 (57). 2 **עַד־יַעֲבֹר** = *ἕως ἄν παρέλθῃ*; 140 (141). 10 **עַד־אֶעְבֹּר** = *ἕως οὖν παρέλθω*.

ζ. **כִּי־פָנָה** cum imperf. = *μήποτε* cum coniunct. aor., comp. Ex. 19. 22 **כִּי־יִפְרֹץ** = *μήποτε διακόψῃ*; Ps. 27 (28). 1 **כִּי־תִחַשֶׁה** = *μήποτε σιγήσῃς*.

η. **כִּי־יָבֹא** (כִּי־) cum imperf. = *πρὶν* cum infin. aor.: 1 Kings 3. 3 **יָבֹא טָרַם** = *πρὶν σβεσθῆναι*; Jer. 38 (45). 10 **כִּי־יָמוּת** = *πρὶν ἀποθανεῖν αὐτόν*. Similarly with perf. in the place of the imperf.: Ps. 89 (90). 2 **יָלִידֵי הָרִים** = *πρὶν ὄρη τεχθῆναι*.

(e) Cohortative and jussive. The cohort. is expressed

by the subj. aor., comp. c.g. Gen. 1. 26 נַעֲשֶׂה ποιήσωμεν. But also the optat. is found: Gen. 46. 30 אֲמוֹתָהּ = ἀποθάνοιμι. The juss. is rendered by an imper. aor., as Gen. 1. 3, 6, 14; Ps. 32 (33). 22 יְהִי = γενέσθω, γενηθήτω, γενέσθωσαν; or by the optat. aor., comp. Job 20. 23 יִמָּטֵר = καὶ ὑετίσαι; Ps. 24 (25). 3; Isa. 26. 14 יִבְשׁוּ = αἰσχυνθείησαν. Note Job 29. 13 בָּאָה = ἔλθοι (mistaken exegesis). With a negative: Ps. 24 (25). 2, 20 אַל־יִבְשׁוּ = μὴ αἰσχυνθείην; Prov. 24. 28 אַל־תִּהְיֶה = μὴ γίνου; Jer. 27 (34). 17 אַל־תִּשְׁמָעוּ = μὴ ἀκούετε; Ps. 118 (119). 10 אַל־תִּשְׁגִּי = μὴ ἀγρονηματίσῃς με; 4 Kings 23. 18 אַל־יַעַזְבֵּן = μὴ σαλευσάτω; Prov. 24. 17 אַל־יִגְלֵן = $\langle \mu\eta \rangle$ ἀγαλλιάσθω; Job 11. 14 אַל־תִּשְׂכַּחַן = μὴ σκηνωσάτω (= אַל־תִּשְׂכַּחַן , comp. ⑥).

(f) The impf. with ו consec. is generally translated by καί with an aor., as וַיְהִי = καὶ ἐγένετο, וַיִּקְרָא = καὶ ἐκάλεσεν, וַיֹּאמֶר = καὶ εἶπεν, וַיְבָרֶךְ = καὶ εὐλόγησεν, וַיִּשָּׂא = καὶ ἦρεν, וַיִּשְׁמַע = καὶ ἤκουσε. Naturally there is occasion to use the Greek imperf., comp. Gen. 5. 22, 24 וַיְהִי־לָהֶם = καὶ περιεπάτει; Exod. 1. 12 וַיִּקְצִי = (καὶ) ἐσικχαίνοντο; and even the pres., comp. Job 7. 15 וַיִּתְבַּחַר = καὶ αἰρείται; Isa. 57. 20 $\text{וַיִּגְרֹשׁוּ מִיָּמִיו}$ = καὶ ἐκβράσσει ὕδατα αὐτῆς. Note Gen. 6. 3 (2) וַיִּרְאוּ = ἰδόντες δέ, where both the participial construction and the particle are after the manner of the freer versions.

(g) The Hebrew imperative is rendered by a Greek imperative aor. sive praes. Examples with successive imperatives: Gen. 1. 28 where $\text{וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ וּבְדִמְיוֹ}$ = αὐξάνεσθε καὶ πληθύνεσθε, καὶ πληρώσατε τὴν γῆν, καὶ ὑποτάξατε αὐτήν καὶ ἐπικρατεῖτε; Ps. 4. 5 $\text{וְדַמּוּ . . . אָמְרוּ . . . רְגֹזוּ}$ = κλονεῖσθε . . . λέγετε . . . καὶ σιωπήσατε; Isa. 7. 4 $\text{וְהָשִׁיב ה' שָׁמַיָא}$ = φύλαξαι καὶ ἡσύχαζε. Nevertheless we meet with instances of subordination, comp. Joshua 5. 2 וַיִּשָּׁב מֶלֶךְ = καὶ ἐπιστρέψας περὶτεμε; 4 Ki. 1. 2 $\text{וַיִּרְשׁוּ לָבוֹן דָּרָשׁוּ}$ = πορευθέντες ἐκζητή-

σατε; Isa. 55. 1 גִּבְרֵי שָׁבֵרִי = καὶ ἐλθόντες ἀγοράσατε. Abnormal is the use of the fut. for the Hebrew imp. Gen. 42. 16 הֶאֱסָרְתָּ = δεθήσεσθε (α' σ'); ⑥ has imper. ἀπάχθητε, but a remnant of the fut. may be found in the conflate (and corrupt) ἀπαχθηθησεσθαι n!—Job 37. 2 we find ἤκουσα ἀκοήν for שָׁמָעוּ שְׁמֹעַ; apparently there is an error of transmission (θ' has ἄκουε ἀκοήν).

(*h*) The infin. absolute is rendered (*a*) by a part. or (*b*) by a verbal noun in the dat. Examples: (*a*) with pf.: 1 Kings 20. 6 נִשְׁאֵל נִשְׁאֵל = αἰτούμενος ἡτήσατο; 2 Kings 12. 14 נָאֶץ נָאֶץ = διασύρων διέσυρας; with an impf.: Num. 30. 13 וְאִם-הָפַר יָפַר = (καὶ) ἐὰν ἀκυρῶν ἀκυρώσῃ; Ps. 131 (132). 15 הִבְהֵל יִבְהִילֵנִי = ἐὺλογῶν ἐὺλογήσω; Isa. 56. 3 הִבְהֵל יִבְהִילֵנִי = διαχωρίζων διαχωρίσει; 61. 10 שִׂשׁוּ אֶשְׁשִׁי = χαίρων χαρήσομαι; Jer. 13. 17 וְדָמַעַתְּ דָּמַעַתְּ = καὶ δακρύουσα δακρύσει; 39 (46). 18 מִלֵּט מִלֵּט = ῥύόμενος ῥύσομαι σε; 51 (28). 58 עָרַעַר תִּתְעָרַעַר = σαλευόμενον σαλευθήσεται; Hab. 2. 3 בָּא יָבֹא = ἐρχόμενος ἥξει (or ἐλεύσεται). (*b*) Lev. 13. 7 פֶּשֶׁה תִּפְשֶׁה = ἐπιδώσει ἐπιδῶ; Deut. 31. 29 הִשְׁחָת תִּשְׁחָת = διαφθορᾷ διαφθερεῖτε; Ps. 131 (132). 16 רִנְּנוּ רִנְּנוּ = αἰνέσει αἰνέσουσιν; Isa. 59. 11 הִנָּה נִהְיָה = φθογγῇ φθεγγόμεθα; Jer. 6. 9 עוֹלֵל יְעוֹלֵל = καλάμη καλαμήσονται; 44 (51). 29 קוֹם יָקוּמוּ = στάσει στήσονται; 49. 12 (29. 13) נִקָּה תִּנָּקֶה = καθαρισμῷ καθαρισθήσῃ.—When the infin. absol., in continuation of a preceding finite verb, appears as a substitute for the finite verb (GK., § 113. 4), a finite verb is used by the Greek translator: Job 15. 35 וְיִלֵּךְ . . . הָרָה = συνέλαβε . . . καὶ ἔτεκεν; Jer. 32 (39). 44 וְהָתוֹם וְהָרָה = καὶ ἡ τὸν οὐρανὸν καὶ ἡ τὴν γῆν ἐκτίθει καὶ ἐκτίθει . . . καὶ σφραγισθήσονται ⑦.

(*i*) The infin. construct is occasionally expressed by a noun: 3 Kings 18. 36 בַּעֲלֹת = κατὰ ἀνάβασιν; Ps. 30 (31). 23 בְּחַפְזִי = ἐν θαμβήσει μου; 31 (32). 6 לָעֵת מָצָא = εἰς καιρὸν εὐρέσεως; 120 (121). 8 וּבֹאֲךָ תִּבְאָךָ = ἔξοδόν σου καὶ εἴσοδόν σου; 131

(132). 1 עֲנֹתוֹ = κακουχίας. Elsewhere the following methods are resorted to: (a) a finite verb is employed, so after prepositions which become temporal, modal, or final conjunctions in Greek: Ps. 33 (34). 1 בְּשִׁנּוֹתָי = ὅτε ἡλλοίωσε; Jer. 40 (47). 1 תַּחֲתָיָהּ = ὅτε ἔλαβεν.—Isa. 7. 2 בְּנוֹעַ = ὥς σαλεύεται; 34. 4 בְּנֵבֶל = ὥς ἀπορρεῖ; 3 Kings 21 (20). 12 בְּשִׁמְעַ = ὥς ἤκουσεν.—Jer. 26 (33). 8 בְּכִלּוֹתָ = ἡνίκα συνετέλεσεν.—4 Kings 23. 24 לְמַעַן הָקִים = ὅπως ἀναστήσῃ; Amos 1. 13 הָרַחִיב לְמַעַן הָרַחִיב = ὅπως ἐμπλατύνωσι.—Num. 14. 33 עַד־חַם (= עַד־אַשֶׁר יַחֲמוּ) = <ἕως ἀν> τελειωθῶσιν; Deut. 2. 14 עַד־חַם (= עַד־אַשֶׁר תַּחֲמוּ) = <ἕως οὗ> ἐτελειώθη.—Comp. also Exod. 9. 18 הַיּוֹסֵד הַיּוֹסֵד = . . . ἐθεμελιώθη (but it is uncertain whether הַיּוֹסֵד is infinitive, see Luzzatto *ad locum*). (b) in temporal constructions the conjunction and finite verb may after the manner of the freer translations be replaced by a participial construction, notably the genit. absol.: Isa. 30. 29 בְּלִיל הַתַּקְדָּשׁ-שְׁחָנָה ὥς νύξ ἁγιαζομένης ἑορτῆς (a' σ', contrast θ' ὥς νύξ τοῦ ἁγιασθῆναι ἑορτήν); similarly with a nomen actionis in the place of the infin. cstr. Isa. 30. 25 בְּיוֹם הַרְגָּ רַב בְּיוֹם הַרְגָּ = ἐν ἡμέρᾳ ἀποκταμένου πολλοῦ (note the literalism of the sing.); Exod. 4. 10 מֵאִזְּרֶךְךָ = ἀπὸ τότε λαλήσαντός (σου); Deut. 11. 19 . . . בְּשִׁבְתְּךָ וּבְשִׁבְתְּךָ . . . וּבְשִׁבְתְּךָ = καθημένου . . . καὶ πορευομένου . . . καὶ κοιταζομένου καὶ διανισταμένου (contrast וְ which adds σου, only that in the first two instances the pronoun goes both with the pt. and the noun (οἶκῳ, ὁδῶ).—Origen, however, who followed a' (σ' θ') added σου sub ast, see the variants apud BM); Jer. 51 (28). 59 בְּלִבְתָּי = πορευομένου αὐτοῦ; Hos. 9. 12 בְּשִׁירִי = ἐκκλίναντός μου. (c) A more literal rendering is בְּ cum infin. = ἐν τῷ cum infin. praes. sive aor.: Gen. 36. 24 בְּרֵעֵתוֹ = ἐν τῷ βόσκειν αὐτόν; Ps. 101 (102). 23 בְּהִקְרִיב = ἐν τῷ ἀθροίζεσθαι; Prov. 8. 27 בְּחִקּוֹ = ἐν τῷ ἀκριβάειν; Ps. 21 (22). 25 וּבְשִׁנְעוֹ = καὶ ἐν τῷ ἀναβοῆσαι; similarly

27 (28). 2; Ezek. 17. 17 בְּשֹׁפֶף = ἐν τῷ ἐκχῶσαι. (d) לְ cum infin. nearly always = τοῦ cum inf. praes. sive aor.: 3 Kings 21 (20). 9 לַעֲשׂוֹת = τοῦ ποιῆσαι; 22. 49 לְלָכֶת = τοῦ πορευθῆναι; Ps. 30 (31). 3 לְהוֹשִׁיעַנִי = τοῦ σώζειν με; 32 (33). 19 לְהַצִּיל = τοῦ ῥύσασθαι; 90 (91). 11 לְשָׁמְרָךְ = τοῦ φυλάξαι σε; Eccles. 2. 2 מִלְכָּנִים וְלִפְנֵי הָאֱלֹהִים = τοῦ συλλέγειν καὶ τοῦ συναγαγεῖν; 4. 23 לְהַחֲרִיךְ = τοῦ φυλάξασθαι; Isa. 50. 4 לְרַעַת = τοῦ γνῶναι, לְשָׁמַע = τοῦ ἀκούειν; Dan. 9. 24 וְלִכְפֹּר . . . וְלַחֲתֹם . . . לְבָלֵא = τοῦ συντελεῖσαι . . . καὶ τοῦ τελειῶσαι . . . καὶ τοῦ ἐξιλάσασθαι. Occasionally we find ὥστε and inf.: Eccles. 4. 17 לְשָׁמַע = ὥστε ἀκούειν; also εἰς and a noun Ezek. 19. 14 לְמִשִּׁילַי = εἰς ἐξουσίαν and 30. 21 לְחִבְשָׁה = εἰς ἐπίδεσμον. When לְ cum infin. implies readiness to do an action (GK, § 114 i), the Greek translator uses a finite verb: Ps. 24 (25). 14 לְהוֹדִיעַם = γνωρίσει αὐτοῖς. Finally it is also rendered by a part. fut., comp. Joshua 10. 33 לְעֹר = βοηθήσω. Comp. also Ezek. 21. 11 (16) לְמַרְטָה = ἡκουημένην (= לְמַרְטָה?).

(j) The part. is rendered by a part. of the present, aorist or perfect tense (with a preceding article for Hebrew הַ). Thus Gen. 49. 21 הַיָּתֵן = ὁ διδούς; Ps. 149. 9 כְּתִיב = γεγραμμένον; Ps. 24. 12 הַתֵּן = ὁ σταθμίζων; Eccles. 11. 5 יוֹדֵעַ = εἰδώς; Isa. 45. 9 הַבֵּ = δικαζόμενος; 53. 5 מְרַבֵּא . . . מְהַלֵּל = βεβηλωμένος . . . συντετριμμένος; Jer. 20. 9 עֹצֵר = συνεχόμενον; Amos 6. 3 הַמְנִירִים = οἱ ἀποκεχωρισμένοι. The part. pass. with an active signification or when denominative is properly rendered by a part. act., comp. 3 Kings 6. 4 שֹׁפְפִים = ἀποβλέπουσας (combined with שֹׁפֶף); Isa. 63. 1 הָרֹר = διαπρέπων. The part. in a circumstantial clause describing a concomitant action in the past is rendered by the imperf., comp. 3 Kings 20 (21). 12 וְהָיָא שֹׁתֶה = καὶ αὐτὸς ἔπιυνεν (for the form see Thackeray, 120, foot-note); Job 2. 8 וְהָיָא יֹשֵׁב = (καὶ) αὐτὸς (ἐκάθητο); Jer. 37 (44). 4

כָּאֵן יִצָּן = εἰσεπορεύετο καὶ ἐξεπορεύετο. But elsewhere likewise the Hebrew pt. is expressed by a finite verb; thus, in accordance with the context, the past is expressed by the aor. or pf. and the pres. by the pres. Comp. Job 4. 11 אָבַר = ὤλετο; Ps. 32 (33). 7 כָּנַם = ἀπέθετο; Jer. 49. 14 (29. 15) שָׁלַח = ἀπεστάλη;—Job 20. 26 טָמוֹן = ἀποκέκρυπται; Dan. 9. 26 נִחְרָצַת = τέτμηται;—1 Kings 28. 9 אָתָּה כְּתִנְנִישׁ = <σὺ> ἐγκρούεις; Eccles. 1. 5 שׁוֹאֵף = εἰσπνέει; Isa. 52. 5 מְנַאֵץ = διασύρεται; Jer. 43. 3 מַסִּית = ἐπισείει; in combination with עוֹר (= <ἐτι σύ>) Exod. 9. 2 מְחַרֵּץ = ἐπιλαμβάνη and ver. 17 מְסַחֵלֵל = ἀντιποιῇ. In combination with הָיָה the pt. is rendered by an aor.: Jer. 26 (33). 18 הָיָה נָבֵא = αὐτὸς ἐπροφήτευσεν. Here and there the part. is also rendered by an adjective (esp. a verbal adjct. in -τός), comp. 3 Kings 6. 18, 29 פְּטוּרִי περίγλυφα; Ps. 54 (55). 9 מְרוּחַ סֶעָה = ἀπὸ πνεύματος λαιλαπόδους; 117 (118). 23 נִפְלְאָתָא = θαυμαστή; Prov. 10. 20 and 22. 1 נִבְחָר = ἐκλεκτός; Cant. 4. 2 מְתַאֲמֹת = διδυμοτόκοι; Jer. 10. 9 מְרַקֵּעַ = ἐλατόν. The part. is occasionally expressed by a noun, comp. Eccles. 2. 2 מְהוֹלָץ = πλάνησις; Ezek. 16. 6 טְלֹאֲוֹת = ἐμβολίσματα; 21. 20 (25) בְּצוּרָה = περιοχῆς; 23. 14 מְחַקָּה = μίμημα; Dan. 9. 26 שְׁמֹמֹת = ἐρημώσεων; Zeph. 1. 18 נִבְהָלָה = κατασπουδασμόν; comp. also Job 37. 18 בְּרָאִי מוֹצֵק = ὡς ὕρασις συγχύσεως; Prov. 10. 5 בֶּן מְכִישׁ = <υἱὸς> αἰσχύντης.

(k) As to the noun, it is generally rendered by a Greek noun, but may also correspond to a Greek adj. in the neuter, as, for instance, אֶחָרִית = ἔσχατον, בָּצָה = κάθυγρον, גָּלָם = ἀκατέργαστοι, חֲמִין = ζυμωτόν, מִשִּׁי = ἄνθιμον, עֲלִילָה = ἐναλλακτικόν, יֵצִין = διψαλέον; and also to a part. neut. as, e.g., פֶּטֶר = διανοίγον; פְּלִיטָה = λείπον Exod. 10. 5; or part. perf. pass. neut., as מְחֻשְׁבֵּי-אָרֶץ = ἐσκοτισμένα γῆς Ps. 73(74). 20; נְטִישְׁתִּיהָ = τὰ ἐγκαταλελειμμένα Jer. 48 (31). 32; תַּעֲתָעִים =

μεμωκημένα Jer. 10. 15. The Hebrew noun is sometimes rendered also by an inf., thus עָתָרָה = *εἰσακούειν*; שָׁבַע = *ἐμπλησθῆναι*; שָׁבַל = *περινοῆσαι*; and with ל prefixed לְמַצָּה = *παγιδευθῆναι* and לְעֹרְתִי = *εἰς τὸ βοθηθῆσαί μου*. A noun governing another noun in the genit. may be expressed attributively by an adj., comp. Ezek. 24. 7 צִי־חִסְלֵעַ = *λείαν πέτραι*. יוֹעֵץ אֱלֹהִים Isa. 9. 6 (5) is apparently combined with אֱלֹהִים as accus. (= אֶצְחָה נִפְלְאָה), hence *θαυμαστὸς σύμβουλος*. A noun may also correspond to an adj. with a noun understood, as, e.g., מִישׁוֹר and עֲרֶבָה = *ὁμαλή* (sc. γῆ); חָמַר = *αὐστηρός* (sc. οἶνος); עֵוִים = *αἴγεια*, חֲתָשׁ לָאֵנְתִּינָה (sc. δέρματα); שְׁלִשָּׁם = *τρίτη* (sc. ἡμέρα); תַּעֲלָמָה = *ἀπόρρητος* (sc. λόγος). A noun in the accusative may be rendered by an adverb, comp. בָּטַח = *πεποιθότως* Deut. 12. 10; הָבֵל = *μάτην* Job 9. 29; יָשָׁר = *ὀρθῶς* Eccles. 12. 10; מָר = *πικρῶς* Isa. 33. 7; מִשְׁבִּיל = *ἐπιστημόνως* Ps. 46 (47). 8; עָתֵדָה = *καιρίως* Deut. 32. 35; רֵיקָא = *κενῶς* Ps. 2. 1. A noun in the genitive is sometimes transl. by an adj., as מִקְשָׁה = *ἐλατήν* Exod. 37. 17; עוֹלָם = *αἰώνιος*; צָב = *κατασκευαστὰς* (or *σκεπαστὰς*) Num. 7. 3; שָׂדֶה = *ἄγριος* 4 Kings 4. 39; sometimes also by a part. as מִבְּמָר = *ἡμφιβληστροεινόμενος* Isa. 51. 20; אֱמוּנֹת = *πιστεύων* Prov. 28. 20; קָוָה וּמְבוֹרָה = *ὑπομένοντος καὶ συμπεπατημένου* Isa. 18. 7; שְׂרָפָה = *κατακεκαυμένον* Jer. 51 (28). 25; or by an adverb, comp. Jer. 14. 3 שְׁלֹם אָמַת = *ἀληθῶς εἰρήνην*.

Nouns of the type *ketil*, *katil* (*kattil*), *katul* are aptly rendered by a verbal adj. in -τός, comp. יָדִיר = *ἀγαπητός*, בָּסִיל = *ἀνόητος*, אֱלִיל = *ἐπίπλαστος*, בָּחִיר = *ἐπίλεκτος*, חֲמִיר = *ἀλίκμητος*, בָּחִיר = *ἐκλεκτός* or *ἐπίλεκτος*; or by a part. pass. as נִוִּיר = *ἀφωρισμένος*, אֲדִיר = *σωζόμενος*, נִסִּי and נִפְרִי = *καθεσταμένος*, נִשְׂאִי = *ἐπηρμένος*, שָׂרִיר = *καταλειμμένος*, נִצִּיב = *ἐστηλωμένος*. Note Prov. 27. 16 (α' σ' και οι λοιποι) *κεκρυμμένος βορέας ἄνεμος* / צִפְנִיָּה צִפְרִירָה; it is not quite clear what α'

read (רַחֵם צָפֹן רִיחַ). Forms of the type *kaṭṭil* are rendered by the pt. act., comp. קָרִיין = διακόπτων (hence = פָּרֵץ), עָרִין = καταδυναστεύων (hence = עָרַן). Similarly קָרִיין (*kaṭṭil*), comp. Prov. 12. 24 קָרִיצִים = συντεμνόντων. שָׁעִיר (*kaṭṭil*) is correctly denominated from שָׁעַר θρίξ, hence τριχιῶν. The intransitive *kaṭl* (*kaṭil*) is transl. by a part. pass., comp. טָא = κεκλιμένος, תָּא = τεθλασμένος, לָא = ἀραιούμενος; עָא = κεκραταιωμένος. Note also שָׁטָא = ἀντικειμένη, רִיפָא = ἐμπτισσομένη, בָּנָא = ὠφρνωμένος, עָנָא = ἐνεσκιρωμένος.

An instance where Aquila perhaps in a striving after extreme literalness failed to perceive the archaic case-ending *i-* is afforded Isa. 56. 9 where הִתִּי is rendered once ζῶν αὐτοῦ and another time τὰ ζῶα αὐτοῦ.

לְ when periphrastic of a genit. is expressed by the genit., comp. Gen. 36. 24 לְצִבְעֹן = τοῦ Σεβεγών; Joshua 3. 12 לְשִׁבְטָא (distributive) = τοῦ σκήπτρου; 12. 23 לְגִלְגָּלָא = ἐθρῶν τῆς Γελλέλ.

With reference to the noun it is also important to note that the abstract is often translated by a concrete and *vice versa*. Thus *concr. pro abstr.* are, for inst., הָאֲבֹנִין נֶפֶשׁ = ἐκλιμώσσουσα ψυχή Deut. 28. 65; חֲבִלָּלוֹת = κατάκοροι, שָׁא = σωτήρ, בָּלִין = τελουμένους, מַלְכוּת = βασιλείς, מַמְלָכָא = βασιλεύς, עֹר = βοηθός, רָעָב תַּחֲלִיאִי = ἀσθενούντες λιμῶ Jer. 14. 18. *Abstr. pro concr.*: מוֹשָׁע = σωτηρία. But מִשְׁפָּלִי = σύνεσις and ἐπιστήμη is perfectly in order. Moreover, the abstr. sing. may be rendered by a pl., as אֲחֵרִית = ἐγκατάλειμματα, קָרִיין = συλλήψεις, קָרָא = ἔλαιοι, מְעֵשָׂא = ἔργα (Ps. 61 (62). 13 = 6), עָרָא = κρυπτά, תַּרְמִית סַנְעִיפִתְעֵסִיס, תַּכְנִית = ἐτοιμασίαι; and the abstr. pl. by a sing.: גִּדְּפוּסִים = βλασφημία, דְּרִים = συζυγία and συναλλαγή, תַּכְרִים = ἐπαοιδή, בְּפָרִים = ἐξίλασμός, מוֹמֹת = ἐνθύμημα, פְּתָאִים = ἀφροσύνη (Prov. 9. 6; comp. 6 (57) ס' θ' 10 Saad. and Ibn Ezra second rendering), פְּתָרִים = ἐπίλυσις,

תִּצַּר = θλίψις, שִׁעָשְׁעִים = ἀπόλαυσις, תַּחֲנוּנִים = δέησις, תְּמָרִים = *πικρασμός*; but we also find the abstr. pl. rendered by a pl. as, for instance, מִצְוִיִּים = ἐπιπόθηματα, מִיִּשְׂרָיִם = εὐθεία, תְּנִיחוֹת = ἐπιφοβα, מַעֲלָלִים = ἐπιτήδευματα, תַּעֲלִילִים = ἐναλλάγματα.—The dual is mostly rendered by a sing., comp. אַפִּים = θυμός, מִאֲנִיִּים = ζυγός, עַפְעָפִים = εἶδος, מְתָנִים = νῶτον, שִׁילִים = ἀπόληγμα; but also by a pl., comp. תְּלָצִים = ὀσφύες, מְלָחִים = λαβίδες. The sing. collective is mostly rendered by a pl., comp. בָּקָר = αἶγες, פֶּרִי = καρποί, קְמוּט = κνίδες, שָׁלָל = λάφυρα, comp. also דְּמָעָה = δάκρυα. But Hos. 8. 5 μύσχοις σου certainly = עֲגֻלָּה / עֵגֻלָּה; possibly also Jer. 50. (27) יִי ὥσπερ μύσχοι χλόης = דְּשָׁא / בְּעֵגֻלָּה / דְּשָׁא. Conversely we find a pl. collective which is rendered by a sing. collect., comp. בְּגָדִים = ἱμάτιον, יְרֵחַים = σελήνη, בְּסָמִים = ζέα, עֵיִם = λιθολογία, עֲלָלִית = ἐπιφυλλίς, צָבָאוֹת = στρατιά, שְׁעָרִים = κριθή, שְׂמָרִים = τρύξ. The sing. of material is transl. by a pl., comp. בִּשְׂם = ἄρωματα, בִּשְׂרָה = σάρκες, מִלַּח = ἄλες, פְּתָם = ἄιθρακες, תָּבֹן = ἄχυρα.

The adjective is often rendered by a part. as, e.g., אֲכָבִי = ἐκλείπον, גָּבוֹהַ = ἐπηρμένον, תְּמָשִׁים = ἐνωπλισμένοι, טָמֵא = μεμιασμένος, נִכְאָה = πεπληγμένον, עָתִיד = παρσκευασμένος, רַעַב = πεινῶν, שְׂבֹר = μεθύων, שָׁלִיו = εὐθηνούν. Sometimes we also find the adj. (in a neuter sense) rendered by a noun, thus טָמֵא = μιασμός, עַלְלָלוֹת = διαπλοκαί, תְּהָקִים = μακρυσμοί. In Prov. 11. 27 Aquila seems to have pointed שְׁחַר for שִׁחַר. Note also the rendering of חֵי פִרְעֹה = ζῆ Φαραώ Gen. 42. 15.

23. Under the head of lexical peculiarities the following (arranged alphabetically) deserve to be signalized:—אֲנִיִּים which is usually taken to mean a basin used in ritual is translated by α' πρόθυμα = a preparatory or preliminary sacrifice Exod. 24. 6 on which comp. *Rhein. Mus.*, LX, 475 f. (Deissmann) || אֲנִיָּה which is generally rendered 'band, army'

(from Aram. אנה = wing, hence wing of army) is translated by α' ἄγαλμα = glory, delight, statue, an object of worship (comp. ἀγάλματα = פְּסִילִים ⑤ Isa. 21. 9) Ezek. 12. 14 which makes it not impossible that α' derived it from נפח 'embrace', comp. נפח המנפח והמנשק Sanhedrin 60 b || אָנְרָה 1 Kings 2. 36 is rendered by συλλογή = a gathering, collecting, hence α' derived it from אָנַר = to gather, collect || אָנַל Ps. 41 (42). 2 is combined with אָנַל and rendered αὐλὼν = hollow way, comp. σ' πεδία (plains) for אָנַלִּית Ps. 28 (29). 9 (parallel to אָנַר; the meaning certainly fits the context admirably), and α' אָנַל = αὐλὼν Deut. 11. 30 and πεδίον Judges 9. 6, in the latter case in agreement with אָנַל || אָנַל is rendered Jer. 52. 15 ὑποστήριγμα = an underprop, comp. אָמְנוֹת 4 Kings 18. 16 = ἐστηριγμένα ⑤ || אָנַר = plummet Amos 7. 7 is translated γάνωσις (a brightening, shining), on which comp. Field *ad loc.*, n. 11 f. || אָנַר = balsam-tree (BDB) or oak (König) is translated 2 Kings 5. 24 φρούρησις (watching, guarding) and אָנַר = spring Job 38. 16 is likewise rendered φρούρημα, which proves that he derived them both from the same root (the biliteral אָנַר) [comp. Jerome on Mic. 7. 4 MABUCHA enim magis πολιορκίαν et φρούρησιν, id est *obsidionem* et *custodiam* . . . in Hebraeo sonat. Taylor *ad locum* rightly calls attention to Exod. 14. 3 where אָנַר renders אָנַר 'coarctati sunt'. Note that Job 38. 16 σ' has συνοχή as an equivalent of אָנַר. Perhaps the root was combined with אָנַר, a synonym of אָנַר, comp. σ' Ps. 87 (88). 9 φρουρούμενον = אָנַר. M] || אָנַר = duration, world (from אָנַר = abide, continue) is rendered throughout Psalms by κατάδυσις (*demersio, latebra*), comp. Syr. ساء creep, sneak, slink, and talmudic אָנַר hollow out || אָנַר = violence, wrong Hab. 2. 17 is translated by αἷμα (blood), comp. Gen. r. 31. 6 (on Gen. 6. 11): חַמַּם זֶה שְׂפִיכוֹת דָּמִים

|| חֶשֶׁשׁ = chaff Isa. 33. 11 is given the meaning of 'soot', αἰθάλη, according to Field's emendation || כְּבֶרֶת הָאָרֶץ Gen. 35. 16 καθ' ὅδον τῆς γῆς, hence the כ is taken as the preposition, but the derivation still remains obscure, comp. Sa'adya who transl. الطريق من ميل or المسافة and also takes the כ as prefixed, see חֲשׂוֹבוֹת רוֹנֶשׁ 93 and שֹׁפֶת יֶתֶר § 79, || כָּפִים = rafter Heb. 2. 11 is translated by μάζα (Lat. massa), comp. Schleusner *s.v.* who quotes Hesych.: μάζα' ἡ μεμαγμένη κόπρος || כְּפֶתוֹר meaning 'capital' is rendered Amos 9. 1 by οἰκοδόμημα (building) || כִּי יִמְלֵם Ps. 117 (118). 10 which is usually combined with מוֹל 'circumcise, cut off' is rendered ὅτι ἡμυνάμην αὐτούς (= 6) = because I warded them off, perhaps derived from מוֹל 'in front of' || מִשְׁךָ = Job 28. 18 is rendered γλυκύ (sweet, delightful); it is difficult to believe that א' combined it with מִחֶק (see Schleusner *s.v.*) || נְחִירִים = nostrils Job 41. 12 is rendered by πύρωμα (a burning body), it is apparent that א' thought of חָרַר = 'be hot, burn' || מִתְּנָה = gift Eccles. 7. 8 (7) is made to correspond to εὐτομία (*vigor*), Schleusner correctly suggests that our translator combined the word with the root מָתַן, comp. Arabic مَتَنَ 'be stout' and Hebrew מִתְּנִים || הַמִּסְדְּרוֹנָה Judges 3. 23 (s. Field) = <εἰς τῇν> παρασάδα (comp. 6 and σ'), see Moore's Commentary *ad locum* || עָתָק = arrogant (of speech) is interpreted 1 Kings 2. 3 and Ps. 30 (31). 19 by μέταρσις (transplantation), hence combination with הָעֵתִיק 'remove' || חֲפִירָה Ezek. 7. 7 = συστολή (contraction) || קָטַב = destruction Ps. 90 (91). 6 is translated by δηγμός (biting, gnawing pain) || רֵנַע = moment is rendered Ps. 29 (30). 6 by ἀθροισμός (condensation) || תַּחֲשׁ יָאֵנְתִּיבֹס (violet-coloured) Exod. 25. 5 and Ezek. 16. 10, to which comp. ט ססגנא = ססגנא Shab. 28 a.

An interesting feature of Aquila is his recourse to

cognate Aramaic or to later Hebrew roots. Thus דִּבְּאִי Jer. 44 (51). 10 is rendered *καθαρίσθησαν*, comp. Aram. רִבִּי = 'cleanse, purify' || נִלְאִיתִי הַכִּיל נִשְׁפָּף Jer. 6. 11 is translated *ἐκοπίασα ὅτι ἐξέχεα* which leads Field to believe that *a'* confused הַכִּיל with Syr. ܐܬܡܬܐ, but it must be noted that *a'* is credited by the Syrohex. with a better reading which is in keeping with the Hebrew לֹא לִי לֶחֶם Gen. 40. 6 is rendered by *γῦρος* = finest meal, comp. talm. חִירְתָּא 'white flour' (Gittin 56 a), see p. Yom ṭob 61 c (2, 6): חֲרִי 7 (comp. Mishnah 2. 7 חֲרִי, so Palest. reading); similarly חִיר Esther 1. 6 ἀέρινον (Midr. Es. c. 2: (אִירִינון) comp. Aram. (but also Hebrew) חִיר = be white, see Anger, *De Akila*, p. 19 ff., also Krauss in Steinschneider's *Festschrift*, p. 154 f. || פָּאֲרִי Ps. 21 (22). 17 is translated *ῥῥαχσαν*, hence *a'* derived it from Syr. ܦܪܚ, late Hebrew כָּעַר = 'render ignominious', see the full discussion by Taylor, *Cairo Genizah Palimpsests*, 20 ff. || מִכְתָּב Deut. 10. 4 is rendered by *γραφεῖον* (pencil), hence he pointed it מִכְתָּב which in Mishnic Hebrew means 'a writing tool, pencil, stylus', comp. for example Kel. 13. 2 || פָּתָם = gold Isa. 13. 12 is rendered *σπίλωμα* (filth, dung), hence he combined it with late Hebrew פָּתָם = stain || מְחַלְהָמִים Prov. 26. 22 is rendered *γοητικοί* (beguiling), hence construed in the sense in which it occurs in Midrashic literature: 'flatterers, hypocritical sympathizers', comp. Sifre on Num. 11. 1 and on Deut. 1. 27 || נִצְבָּתָא = firmness Dan. 2. 41 is rendered *φυτόν* (plant), a sense in which it occurs in the Targum and Syriac, comp., for instance, ܬ to Job 14. 8 and Payne-Smith, *Thesaurus Syriacus*, p. 2436 f. || פִּיקָה 1 Kings 25. 31 which is usually taken to mean 'tottering, staggering' is rendered by *λυγμός* (spasmodic affection of the throat, hiccough), hence on a par with Arabic فَاقَ 'to

hiccough' and Syr. ܦܥܥܥܐ = oscitation (Field), it is also used in the Talmud in the sense of 'lump, ball, swelling', comp. Hullin 134 b גרירת של פיקה and Nega'im 10. 10 פיקה של צואר || לִפְנֵי 3 Kings 6. 17 = τῇ εὐσχολίᾳ (leisure), hence he combined it with לִפְנֵי (Aram. ܦܢܝ = leisure) || שְׂדֵה יְשׁוּרוֹת Eccles. 2. 8 the meaning of which is unknown is translated by α' κυλίκιον καὶ κυλίκια = cup and cups (in the same sense also Θ, θ', and Τ), hence it is not improbable that he derived it from the Aram. שרא = to cast, sprinkle, pour.

CHAPTER III

AQUILA'S EXEGESIS

24. AQUILA'S translation, while eulogized by the Fathers of the Synagogue on account of its adherence to Jewish tradition,⁷⁷ was condemned, and severely criticized by the Church Fathers for its tendency to obviate christological interpretations of certain passages through a literal and oftentimes etymologizing rendering. Aquila's first biographer says of his version οὐκ ὀρθῶ λογισμῶ χρησάμενος, ἀλλ' ὅπως διαστρέψῃ τινὰ τῶν ῥητῶν, ἐνσκήψας τῇ τῶν οὐβ' ἐρμηνείᾳ ἵνα τὰ περὶ Χριστοῦ ἐν ταῖς γραφαῖς μεμαρτυρημένα ἄλλως ἐκδώσει.⁷⁸ Jerome calls him *Iudaeus*,⁷⁹ and Euthymius, speaking of his baptism and subsequent proselytism, says of his version: *Hic itaque iratus Christianis, multa pervertit*.⁸⁰ Bar Hebraeus, too, credits Aquila with a *Iudaica mens*,⁸¹ while Theodoret stamps as viciousness (κακουργία) his rendering of אֱלֹהִים by ἰσχυρὸς δυνατός.⁸² Special emphasis

⁷⁷ Comp. Pal. Meg. 71 c, l. 10: תירגם : ר' חייא בר בא : ר' ירמיה בשם ר' חייא בר בא : ר' אליעזר ולפני ר' יהושע וקילסו אותו ואמרו לו עקילם הגר התורה לפני ר' אליעזר ולפני ר' יהושע וקילסו אותו ואמרו לו יפית מבני אדם. This is in agreement with what Origen says of him (*ep. ad African.* 2): φιλοτιμότερον πεπιστευμένος παρὰ Ἰουδαίοις ἐρμηνευκέναι τὴν γραφὴν· ἔ μάλιστα εἰώθασιν οἱ ἀγνοοῦντες τὴν Ἑβραίων διάλεκτον χρῆσθαι, ὡς πάντων μᾶλλον ἐπιτετευγμένω. That the popularity of α' among the Jews was still in the ascendant in the fourth and fifth centuries is attested by Jerome on Ezek. 3. 5, and Augustine, *de civit. Dei*, xv. 23, also by Justinian's *novell.* 146: *at vero ii qui Graeca lingua legunt LXX interpretum utentur translatione . . . verum . . . licentiam concedimus etiam Aquilae versione utendi.*

⁷⁸ Epiphanius, *de mens. et pond.*, 15.

⁷⁹ *Praef. ad Dan.* and *Praef. in Job.* Comp. also Hexapla on Hab. 3. 13.

⁸⁰ *Praef. in Psal.*

⁸¹ Comp. Hexapla on Ps. 26 (27). 6, n. 23.

⁸² Quoted by Field, *Prolegomena*, xx.

is laid on his rendering of $\Pi\psi\eta$ by $\eta\lambda\epsilon\iota\mu\mu\acute{\epsilon}\nu\omicron\varsigma$ instead of $\chi\rho\iota\sigma\tau\acute{o}\varsigma$ in passages like Dan. 9. 26 and of $\Pi\psi\eta$ ⁸³ Isa. 7. 14 by $\nu\epsilon\acute{\alpha}\nu\iota\varsigma$ as against $\pi\alpha\rho\theta\acute{\epsilon}\nu\omicron\varsigma$ of the Septuagint.⁸⁴

25. The fact is, however, that when we deal with such a literal translator as Aquila it is quite difficult to arrive at a definite conclusion concerning his exegesis. Any criterion might fail in view of his etymologizing process which leaves us in doubt whether, in deviating in a certain point from the generally accepted meaning, he intended to voice his own views or those of the Synagogue to which he belonged, or else he simply adhered to the letter for its own sake. It is this circumstance no doubt that accounts for the rather mild verdicts of Origen ($\omicron\upsilon\ \kappa\acute{\epsilon}\iota\tau\alpha\iota\ \pi\alpha\rho\ \tau\omicron\iota\varsigma\ \text{Ἑβραίοις, διόπερ οὐδὲ παρὰ τῷ Ἀκύλῳ}$),⁸⁵ and Jerome (*iamdudum cum voluminibus Hebraeorum editionem Aquilae confero, ne quid forsitan propter odium Christi synagoga mutaverit, et, ut amicae menti fatear, quae ad nostram fidem pertineant roborandam plura reperi*).⁸⁶ Nevertheless, just because it is more or less free from subjectivity, Aquila's version 'certainly marks the beginning of thorough exegesis of the Old Testament'⁸⁷ if by exegesis we really mean an attempt to get at the true meaning of the Hebrew Scriptures. We must not overlook the conditions that brought forth Aquila's

⁸³ Comp. Schürer, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, II⁴, 613, n. 12. This is another of α' 's translations which Field characterizes by the word $\epsilon\tau\upsilon\mu\omicron\lambda\omicron\gamma\iota\kappa\acute{\omega}\varsigma$ (*Prolegomena*, xxii), for he likewise renders $\Pi\psi\eta$ by $\alpha\lambda\epsilon\acute{\iota}\phi\epsilon\iota\nu$ Lev. 8. 10 *et al.*, and $\Pi\psi\eta$ by $\alpha\lambda\epsilon\iota\mu\mu\alpha$ Lev. 21. 12.

⁸⁴ On this crucial point in the controversy between Jews and Christians comp. Swete's *Introduction to the O. T. in Greek*, p. 30.—Aquila's rendering here must have been particularly distasteful to the Christian Church, since elsewhere (Gen. 24. 43) the same word is translated by $\alpha\pi\omicron\kappa\rho\upsilon\phi\omicron\varsigma$, while $\nu\epsilon\acute{\alpha}\nu\iota\varsigma$ is also used for $\Pi\psi\eta$ Deut. 22. 28.

⁸⁵ *Epist. ad Afric.*, 3.

⁸⁶ *Epist. ad Marcellam*.

⁸⁷ Burkitt, *JQR.*, X (1898), 211.

translation and the literalist's importance as a barrier against the unsound methods of dogmatic and allegorical interpretation which culminated in Philo and disregarded the literal sense. Aquila stemmed the tide of philosophical exposition through his method of translating *verbatim*, with absolute adherence to the original text, thus paving the way for the modern historical and philological methods of interpretation. It is in this sense therefore that Aquila becomes important in the history of Biblical exegesis.

26. In the following pages an attempt is made to record all the important phases of Aquila's interpretation as exemplified in the extant fragments of his version.

27. In the first place mention must be made of differences arising out of the reading of ש (or ס) for ש and *vice versa*. Thus Gen. 26. 20 עֶשֶׂק is rendered *συκοφαντία*, and הִתְעַשְׂקוּ *ἐσυκοφάντησαν*, which, by a comparison with all the passages where this word otherwise occurs, yields עֶשֶׂק and הִתְעַשְׂקוּ. In this interpretation א' stands alone among all the other versions which derive it from the NH עֶסֶק, so the commentators.—26. 33 שִׁבְעָה and שֶׁבַע are both rendered *πλησμονή* which at once suggests שִׁבְעָה (comp. Ezek. 16. 49) and שֶׁבַע. This interpretation is supported by σ' and S; Θ *ὄρκος* points to (ה)שִׁבְעָה.—Job 12. 23 מִשְׁנֵיָא: *πλανῶν* leads to מִשְׁנֵיָא, so θ', S, also Rashi under יֵשׁ אֲמָרִים.—22. 2 יִכְבֵּן: *κατασκηνώσει* points to יִכְבֵּן in which interpretation א' and θ' stand alone.—Eccles. 2. 25 יְהִישׁ: *φείσεται* implies יְהִישׁ = יְהִים, so also σ' and Syrohex.; Θ, θ' and S appear to have read יִשְׁח.—Isa. 22. 15 הַפֶּלֶן: *τὸν σκηνοῦντα* points to הַפֶּלֶן in which א' is supported by σ' only (*τὸν σκηνοποιῶντα*).—65. 16 לְשִׁבְעָה or לְשֶׁבַע: *εἰς κόρον* א' σ' θ' [so in the *Auctarium*; but r. *ὄρκον* with Procop. and Jerome adduced by Field *ad locum*. M], *εἰς πλησμονήν* Θ, all go back to

לְשָׁבֵיחַ.—66. 9 אֲשַׁבִּיר: προσδοκίαν δώσω goes back to אֲשַׁבִּיר cf. שָׁבַר 'wait', 'hope' in which *a'* follows ט (so also ס).—Jer. 5. 24 שְׁבַעַת: πλησμονάς *a'* (second edition) θ', πληρώσεως ט, plenitudinem ט, all read שְׁבַעַת s. שְׁבַעַת; but, according to Jerome, the first edition in agreement with *σ'* read ἐβδομάδας, comp. Syrohex. in the margin quoted by Field.—23. 39 וְנִשְׁתִּי אֶתְכֶם נִשָּׂא for which only ὑμᾶς λήμματα is preserved, but this is sufficient to prove that *a'* read וְנִשְׁתִּי or וְנִשְׁתִּי(א) and נִשָּׂא; he is in agreement with ט *σ'* ס ט.

28. Next in order are renderings resting on a pointing different from that of our masoretic text, of which quite numerous instances occur in Aquila's version: Gen. 49. 6 שׁוּר: τεῖχος implies שׁוּר, so *σ'* ט ס ט; cf. Ps. 17 (18). 30 שׁוּר τεῖχος ט *σ'* ε', τεῖχισμα *a'*.—Exod. 5. 16 וְחָטֵאתָ עִמָּךְ: καὶ ἁμαρτία λαῶ σου = וְחָטֵאתָ עִמָּךְ, i.e. the first word was taken as the noun (so also *σ'* and θ') and a construction was effected as well as could be done (cf. θ' εἰς τὸν λαόν σου; *σ'*, on the other hand, pointed וְחָטֵאתָ עִמָּךְ); ט, on the contrary, supports the traditional pointing, וְחָטֵאתָ = וְחָטֵאתָ; whether ט read וְחָטֵאתָ (cf. Jer. 37 (44). 17) it is not easy to determine.—28. 11 ἐσφυγμένους points perhaps to מִשְׁבָּצוֹת inst. of מִשְׁבָּצוֹת, so *σ'* θ' ט ס, comp. verse 20.—A similar variation is involved in 39. 6 (36. 13) where συνεσφυγμένους is used for מִשְׁבָּצוֹת. It should be borne in mind that the noun מִשְׁבָּצוֹת is rendered by *a'* σφυγκτήρ, comp. Exod. 28. 13 and 39. 16 (36. 23).—Lev. 21. 23 מִקְדָּשִׁי (τὸ ἁγίασμα ᾧ v^m for τὸ ὄνομα v^t) for מִקְדָּשִׁי.—Deut. 6. 20 ἡ μαρτυρία impl. הָעֵדוּת for הָעֵדוּת (contrast ט *σ'* θ').—10. 11 לִי קוֹם = ἀνάστηθι σαντῶ, *a'* accordingly pointed לִי in which he stands alone.—22. 9 εἰργμόν points to בְּלָאִים instead of בְּלָאִים; peculiar to *a'*.—32. 29 לוֹ = οὐκ according to Pitra and BM (from the margin of M); this would imply לוֹ on a par with the Sept.; Field, however, will be right in

attributing οὐκ ἐνόησαν (*v^m sine nomine!*) to a glossator, the genuine *a'* rendering being preserved elsewhere (Nobil., Procop., Syrohex. acc. to Masius): νοεῖν (or ἐννοεῖν) would be foreign to *a'*'s diction as an equivalent of חכם, whereas σοφίζεσθαι is perfectly in order, see Index.—Judges 5. 22 מְהַרְרוֹת: ἐφορμώντων, appar. preceded by ἔππων, hence *a'* construed מְהַרְרוֹת מִים (agst. the accents) in a genit. relation (for the second מהרות see chapter IV).—9. 6 עַם-יִלָּן מִצֵּב = ἐπὶ πεδίου στηλώματος, hence מִצֵּב, so ט (στάσεως) and ט (קמתא); but in all likelihood *a'* merely identified the two, so also Jewish commentators (Rashi, Kimhi).—1 Kings 15. 32 מְעַרְנָה = ἀπὸ τρυφείας, therefore מְעַרְנָה or מְעַרְנָה; the word is combined with עָרַן likewise by ס' (ἀβρός) and ט (מפנקא); ט τρέμων, according to Lagarde, presupposes מְעַרְנָה.—19. 13, 16 כְּבִיר הָעַיִם = πᾶν πλῆθος . . ., hence כְּבִיר for כְּבִיר, which is by no means worse than the reading קֶבֶר (liver) of ט. But also another, more appropriate reading is credited to *a'* for which comp. Field, note.—2 Kings 1. 19 הָצִבִי = ἀκρίβασαι with which agrees the reading of the Itala: *considera*; they both connected it with the Aramaic יָצִיב, while ט (στήλωσον) and ט (איתעתרתון) combined it with the Hebrew נָצַב or יָצַב, pointing הָצִבִי.—3. 26 מְבוֹר הַסָּרָה ἀπὸ τοῦ λάκκου τῆς ἀποστάσεως, hence סָרָה.—3 Kings 7. 7 (44) וְקָפַן was prob. pointed וְקָפַן (comp. Jer. 22. 14 where וְקָפַן equally stands for וְקָפַן, cf. the parallel וּמָשַׁח = καὶ ὠρόφωσεν, so ט and ט.—9. 25 וְהִקְטִיר אֹתוֹ was read אֹתוֹ (וְהִקְטִיר) or) וְהִקְטִיר = καὶ ἐθυμία αὐτό.—11. 36 and 15. 4 נִיר was pointed גִּי' = λύχνον, so ס' ט ט, and among commentators Kimhi.—4 Kings 9. 32 τίς εἶ σύ; = מִי אַתִּי for מִי אַתִּי, so ט θ' ε'.—11. 6 מָפַח = ἀπὸ διαφθορᾶς λ; Field suggests מִשְׁחַח, but more likely they read מָפַח, deriving it from נָפַח = to pull or tear away. The same etymology underlies the Targumic

מראשתלי, only that **ט** combined it with the late Hebrew היסח sc. היסח הדעת; comp. also IG and Kimhi.—Job 4. 2 דָּבַר perh. implies דָּבַר = λαλῆσαι, so θ' **ס**.—5. 5 וְאֵל־מַצְנִים יִצְחָקוּ = πρὸς ἐνόπλων ἀρθήσεται, α' apparently pointed מַצְנִים deriving it from צָנָה (from which צָנָה = shield), cf. מַצְנִים from צָנָה, so σ' **ט** **ו** and Rashi.—*ibid.* צָמִים was pointed צָמִים (= צָמִים) = διψῶντες, so σ' **ס** **ו**, also IE under א".—12. 17 λάφυρα leads to שָׁלָל instead of שׁוּלָל, the meaning being 'as prey', so **ו**.—21. 24 ποτίσει points to יִשְׁקָה instead of יִשְׁקָה.—28. 15 οὐ δώσει yields לֹא־יִתֵּן for לֹא־יִתֵּן, so θ'.—33. 16 α' goes with **ו** and **ס** in reading יִתְּחֶם = πλήξει αὐτούς for masoretic יִתְּחֶם.—34. 6 אֶבְנָה = ψευδμα α' θ', who probably pointed אֶבְנָה and construed it as a noun with the same meaning as בָּנָה. Cf. Jer. 15. 18 where בָּנוּ אֶבְנָה כִּים (against the accents!) is rendered by **ו** ὥς ὕδωρ ψευδέες, while α' and σ' have ὥς ὕδωρ ἐκλείπον.—Ps. 2. 7 אֶל־הָרִק = ἰσχυροῦ ἀκριβασμόν, α' apparently pointed אֶל, so also θ' **ס** and Jer., comp. also an anonymous Tanna in Sofrim 4. 8 (אספרה אל חק הרי זה קדש); difficult as the Hebrew construction will be, α' θ' (cf. also **ס**) prove that the received order of words lay before them; **ו** likewise appears to have pointed אֶל which it renders κύριος, but the genit. is transposed. See further below on Ps. 83 (84). 8.—3. 5 καὶ ἐπακούσεται μου shows that α' **ε'** **ס'** pointed וַיַּעֲנֵנִי for וַיַּעֲנֵנִי.—4. 3 בְּבוֹרִי was pointed בְּבוֹרִי = οἱ ἐνδοξοί μου.—9. 14 יְהוָה רָאָה־עֲנִי = εἶδε, so Jerome, and among modern commentators Baethgen, Nowack and Duhm.—9. 36 (10. 15) תִּדְרֹשׁ־רִשְׁעוֹ בַּל־תִּמְצָא = ἐκζητηθήσεται ἡ ἀσέβεια αὐτοῦ ἵνα μὴ εὐρεθῇ αὐτός; at the first blush the assumption presents itself that α' (and so **ו** σ' θ' **ס**) pointed תִּדְרֹשׁ and תִּמְצָא, cf. Graetz; but רִשְׁעוֹ being masculine, the supposition is more plausible that the versions merely

sought to obviate the anthropomorphism, as \mathfrak{T} does by another device (3 pers. pl. in the impersonal sense).—15 (16). 3 $\mathfrak{I}\mathfrak{A}\mathfrak{I}\mathfrak{I}$ = (*καὶ*) *ὑπερμεγέθεσί μου* (the pron. appar. does service also for the following *πάν θέλημα*, or else the second *μου* is wanting; the dat. by anticipation of *ἐν* c. dat.) hence $\mathfrak{I}\mathfrak{A}\mathfrak{I}\mathfrak{I}$.—16 (17). 14 $\mathfrak{M}\mathfrak{M}\mathfrak{M}$ = *ἀπὸ τεθυνηκότων*, hence $\mathfrak{M}\mathfrak{M}\mathfrak{M}$, so σ' \mathfrak{S} and Jerome. Cf. also Isa. 41. 14 where $\mathfrak{M}\mathfrak{M}$ $\mathfrak{I}\mathfrak{S}\mathfrak{A}\mathfrak{L}$ is rendered *τεθνεώτες Ἴσρ.*, again $\mathfrak{M}\mathfrak{M}$.—26 (27). 7 $\mathfrak{B}\mathfrak{K}\mathfrak{S}\mathfrak{I}$ implies $\mathfrak{B}\mathfrak{K}\mathfrak{S}\mathfrak{I}$, *ἐζήτησαν*, \mathfrak{U} ϵ' ς' read $\mathfrak{B}\mathfrak{K}\mathfrak{S}\mathfrak{I}$.—31 (32). 4 $\mathfrak{L}\mathfrak{S}\mathfrak{I}$ is rendered *εἰς προνομὴν μου*, hence $\mathfrak{L}\mathfrak{S}\mathfrak{I}$; also \mathfrak{U} σ' θ' ϵ' and Jerome combined it with \mathfrak{S} , also Menaḥem ben Saruk quoted by Rashi *ad loc.*—v. 5 $\epsilon\pi'$ $\epsilon\mu\omicron\iota$ = $\mathfrak{C}\mathfrak{L}$ for $\mathfrak{C}\mathfrak{L}$.—v. 7 $\mathfrak{R}\mathfrak{I}$ was read $\mathfrak{R}\mathfrak{I}$ = *αἰνεσίς μου*, so \mathfrak{U} (*ἀγαλλίαμά μου*).—33 (34). 6 *ἀποβλέψατε* yields $\mathfrak{H}\mathfrak{B}\mathfrak{I}\mathfrak{M}$ for $\mathfrak{H}\mathfrak{B}\mathfrak{I}\mathfrak{M}$ in which a' is supported by \mathfrak{U} σ' and Jerome.—45 (46). 11 *λάθητε* for $\mathfrak{H}\mathfrak{R}\mathfrak{P}$ suggests $\mathfrak{H}\mathfrak{R}\mathfrak{P}$ (= $\mathfrak{H}\mathfrak{R}\mathfrak{P}\mathfrak{A}\mathfrak{I}$).—48 (49). 9 *τιμή* points to $\mathfrak{Y}\mathfrak{K}\mathfrak{R}$, so \mathfrak{U} \mathfrak{S} and Jerome, hence $\mathfrak{Y}\mathfrak{K}\mathfrak{R}$ for $\mathfrak{Y}\mathfrak{K}\mathfrak{R}$.—v. 14 $\mathfrak{I}\mathfrak{R}\mathfrak{C}\mathfrak{I}$ was pointed $\mathfrak{I}\mathfrak{R}\mathfrak{C}\mathfrak{I}$ by a' (*τρέχειν*) and Jer. (*current*).—v. 15 $\mathfrak{I}\mathfrak{O}\mathfrak{I}\mathfrak{R}\mathfrak{I}$ (*καὶ*) *ἐπικρατήσουσιν* = $\mathfrak{I}\mathfrak{O}\mathfrak{I}\mathfrak{R}\mathfrak{I}$?—52 (53). 1 and 87 (88). 1 $\mathfrak{M}\mathfrak{H}\mathfrak{L}\mathfrak{T}$ was pointed $\mathfrak{M}\mathfrak{H}\mathfrak{L}\mathfrak{T}$ by a' σ' θ' ϵ' (*ἐπὶ χορείᾳ, διὰ χοροῦ*).—54 (55). 23 *ἀγαπήσει σε* a' σ' ϵ' ς' , apparently they pointed $\mathfrak{I}\mathfrak{H}\mathfrak{K}\mathfrak{I}$ (= *יאהבך*), cf. also Jer. *caritatem tuam*. Briggs's suggestion (in his commentary on Psalms) that a' read $\mathfrak{I}\mathfrak{H}\mathfrak{K}\mathfrak{I}$ is unnecessary.—55 (56). 8 $\mathfrak{P}\mathfrak{K}\mathfrak{T}$ implies perhaps $\mathfrak{P}\mathfrak{K}\mathfrak{T}$ = *διέσωσεν*.—58. (59). 16 *καὶ γογγύσωσι* points to $\mathfrak{I}\mathfrak{L}\mathfrak{I}\mathfrak{N}$ inst. of $\mathfrak{I}\mathfrak{L}\mathfrak{I}\mathfrak{N}$, similarly \mathfrak{U} and Jer. (*murmurabunt*).—68 (69). 23 $\mathfrak{I}\mathfrak{L}\mathfrak{S}\mathfrak{L}\mathfrak{M}\mathfrak{I}\mathfrak{M}$ = *καὶ εἰς ἀνταποδόσεις*, read $\mathfrak{I}\mathfrak{L}\mathfrak{S}\mathfrak{L}\mathfrak{M}\mathfrak{I}\mathfrak{M}$, so \mathfrak{U} σ' and θ' and Jerome.—83 (84). 8 $\mathfrak{A}\mathfrak{L}\mathfrak{A}\mathfrak{L}\mathfrak{H}\mathfrak{I}\mathfrak{M}$ was pointed $\mathfrak{A}\mathfrak{L}\mathfrak{A}\mathfrak{L}$ = *ἰσχυρὸς θεός*, so \mathfrak{U} \mathfrak{S} and some modern commentators (Oort, Baethgen, Duhm), contrast σ' ($\mathfrak{J}\mathfrak{A}\mathfrak{L}$ $\mathfrak{L}\mathfrak{A}\mathfrak{L}$) and Sofrim 4. 8 (הראשון חול). See above on Ps. 2. 7.—90 (91). 2 $\mathfrak{A}\mathfrak{M}\mathfrak{R}$ was probably read $\mathfrak{A}\mathfrak{M}\mathfrak{R}$ = *λέγων*, so \mathfrak{S} and Jerome, while \mathfrak{U}

read יִמְרָ = ἐρεῖ.—109 (110). 3 μετὰ σοῦ points to עִמָּךְ instead of עִמָּךְ, so ⑤ ε'.—115. 2 (116. 11) διάψευσμα yields בָּזַב inst. of בָּזַב, so Jerome.—138 (139). 15 עֲצָמִי was pointed עֲצָמִי = ὁστά μου.—146 (147). 1 ἐγκώμιον yields וְמִרְה for וְמִרְה, so ⑤, σ', Ἄλλος.—Prov. 6. 24 ἐταίρου points to רֵעַ inst. of רֵעַ, so ⑤ ὑπάνδρου.—7. 18 נִרְיָה דִּרְיִים was pointed נִרְיָה דִּרְיִים = μεθυσθῶμεν τιτθῶν α' σ' θ'. Geiger, *Urschrift*, p. 398, believes that this was the original.—8. 30 τιθηνουμένη points to אָמִין instead of אָמִין, so Rashi; all the others derive it from אָמִין = firm.—10. 29 α' goes with all the other versions in reading לְתָם (τῷ ἀπλῶ) for לְתָם.—13. 13 וְשִׁלָּם was pointed וְשִׁלָּם = εἰρηγενεῖ by α' σ' ε', cp. also ⑤.—14. 4 אָבוֹס בָּר was probably pointed אָבוֹס בָּר (part. pass. of אָבוֹס) = φατυνάζεται ἐκλεκτόν, cf. IE (פ") and R Lb G; similarly θ', who in addition reads אָלָפִים בָּאוֹן for בָּאוֹן.—20. 25 וְלֵעַ קָדֵשׁ, α' apparently pointed קָדֵשׁ = ἡγιασμένος; he construes קָדֵשׁ as subject and מוֹקֵשׁ as object.—25. 11 λαλῶν ῥῆμα yields דְּבַר דְּבַר for דְּבַר דְּבַר, so σ' θ' ⑤.—27. 16 צָפֹן רֵיחַ = βορέας ἄνεμος α' σ' καὶ οἱ λ, hence they pointed צָפֹן or צָפֹן, so ⑤.—30. 4 (καὶ) κατήνεγκεν points to וְיָרַד (high.) inst. of וְיָרַד (kal), so also σ'.—31. 5 עֲנִי בְנִי, πένητος yields עֲנִי, so θ' ε' and ⑤.—Eccles. 1. 6 סֹבֵב סֹבֵב, the second = κύκλον, hence סֹבֵב (inf.) or סֹבֵב(י), this in view of the evidence of Syrohex. that α' translated the first by a part.—8. 4 ἐλάλησε points to דְּבַר דְּבַר inst. of דְּבַר דְּבַר; cp. λαλεῖ in codd. of ⑤.—10. 6 נָתַן הַפֶּכֶל = ἔδωκε τὸν ἄφρονα, hence α' pointed נָתַן הַפֶּכֶל; in the vocalization of the second word he is supported by ⑤ ⑥ ⑦ and σ'; as to the first, cp. ⑦ יָהֵב. IE explains סֶכֶל as שֵׁם הַתָּאֵר of the type יָלַךְ.—12. 10 καὶ συνέγραψεν points to וְכָתוּב for וְכָתוּב, so ⑦ ⑧ ⑨; ⑤ supports MT.—Cant. 3. 6 מְקַטְרֶת implies מְקַטְרֶת = ἀπὸ θυμιάματος.—Isa. 3. 12 נָשִׁים which was read by ⑥ and ⑨ implies נָשִׁים in ⑤ and α' (ἀπαιτοῦντες), θ' (δανεισταί), and ⑦ מְרִי חוֹבָא.—

7. 11 *εἰς ἄδην* points to *שְׁאֵלָה*, so *σ' θ' U*; *Θ* likewise prob. pointed *שְׁאֵלָה* (*εἰς βάθος*).—9. 6 (5), 7 (6) *τὸ μέτρον* implies *מִשְׁרָה* for *מִשְׁרָה*; *ט אוריתא* and *σ' θ' ἡ παιδεία* der. it from *יסר*; comp. Lagarde's note on this word in *Semitica*, I, p. 16.—16. 10 *οὐκ αἰνέσει* implies *לֹא־יִרְנֶן* inst. of *לֹא־יִרְנֶן*.—23. 18 *ἐκτίθη* (*καὶ*) *εἰς ἔσθηςιν μεταρσεως*, *α'* apparently pointed *עֲתִיק* construed as a noun in the literal sense of transplantation.—24. 16 *ἠάμα* implies *וְאָמַר* (pf. c. 1 cons.) = *καὶ ἐρεῖ α' θ'*; *Θ* seems to have read likewise (*καὶ ἐροῦσι*); *σ'* like *ט* and *ס* reads the pf. with simple 1.—26. 19 *καὶ αἰνέουσιν* points to *וְרָנִי* for *וְרָנִי*, so *σ' θ'*; *Θ* also may have pointed like the Three or else by way of freedom adjusted the form to *יחי* and *יקומון* in order to avoid the apostrophe.—28. 16 *θεμελιῶν α' σ' θ'* points to *יָסַר* instead of *יָסַר*; likewise *Θ ט ס*.—v. 29 *ἡνδὶλ . . . ἡפλά* = *θανμαστῶσαι . . . μεγαλῦναι*, hence *הַפְּלָא* and *הַנְּדִיל* in which *α'* stands alone.—30. 8 *εἰς μαρτύριον* suggests *לְעַד* for *לְעַד*, so *σ' θ' ט ס U*; similarly, Zeph. 3. 8 where *α'* is supported by *Θ ט ס*.—v. 22 *ρύπος* suggests *צָר* for *צָר*, so *Θ, θ'*.—v. 25 *μεγαλυνόμενος* points to *מְגַדִּילִים* for *מְגַדִּילִים*, so *ט* and *σ'*; likewise 33. 18 where *α'* is supported also by *Θ* and *θ'*.—33. 9 *ἐξετινάχθη α' σ' θ'* points to *נָעַר*, niph. of *נָעַר*, inst. of *נָעַר*. This form of the niph. is found in *Hullin* 51 b, though Rashi reads *נָעַר*.—38. 12 *רעי* was pointed *רַעִי* = *ἐταῖροί μου*, so *θ'*; the other versions, among them *ט*, agree with MT (but read the plural *רַעִים*).—53. 5 *βεβηλωμένος* points to *מְחַלֵּל* (profaned) for *מְחַלֵּל* (pierced).—57. 10 *οὐκ ἐλιτάνευσας* implies *הִלִּית* for *הִלִּית*, so *ס*.—58. 12 *καλέσει* = *וְקָרָא* instead of *וְקָרָא*, so *θ'*.—60. 16 *ἡσδ* was pointed *וְשַׁד* = *καὶ μασθόν* by *α' σ' θ'*; likewise 66. 11 where *מִשַׁד* was pointed *מִשַׁד*.—63. 16 *ἀγχιστεῦσαι* (or *ἀγχιστευσον*) implies *נִצְּלִי* (imp.) inst. of *נִצְּלִי*, so *Θ*.—64. 1 (63. 19) *לוא* for *לוא* is implied by *οὐκ*, so *σ' θ'*, and *κατέρρευσαν* points to *נָפְלוּ* for

נָזַל (unless the dageš is *d. forte affectuosum*, or, as IĠ expresses himself, فهو من اجل الوقف لانهم كثير ما يشددون على الوقف ما لا وجه التشديد فيه, he compares נָזַל Judges 5. 7 and notes that in Arabic likewise the pausal accent effects artificial gemination), so *a' s' θ'*; in this sense also ט (τακήσονται) and ס.—v. 6 (5) כְּבִנְר עֲרִים = ὡς ἱμάτιον μαρτυριῶν, hence *a'* read עֲרִים.—Jer. 5. 28 λόγους μου implies כְּבִרִי for דְּבִרִי, so *a' s' θ'* and ט, but this is a bad construction unless we assume the reading לָרַע for רָע; ט omits it.—6. 4 ἡγίασαν points to קִדְּשׁוּ inst. of קִדְּשׁוּ.—v. 27 ἐν λαοῖς ἰσχυροῖς = כְּעַמִּי מְבָצָר inst. of כְּעַמִּי; the pl. constr. is found also in ט.—9. 1 וַעֲיִי inst. of וַעֲיִי with most versions.—10. 6 and 7 πόθεν ὁμοῖός σοι = מֵאֵין כְּמוֹךְ as against MT מֵאֵין, so *θ'*, comp. 30. 7 מֵאֵין כְּמֹחֹה.—v. 19 ἀρρωστήμά μου = (חֲלִי) (MT חֲלִי), so *a' s'* ט ס ו.—12. 13 ἐκκληρονόμησαν = נָחִלוּ (MT נָחִלוּ), so *a'*, *s'* from Syrohex., ו.—13. 23 τὰ κακά ט τὰ πονηρά *a'*, hence they read הָרַע for הָרַע.—17. 16 ἀπὸ κακίας implies כְּרָעָה for מְרָעָה, so *s'* and ס with prefix 'ב.—18. 2 דְּבִרִי for דְּבִרִי with *θ'*.—20. 17 הָרַת was construed as a noun (κνήσεως = conception), hence read הָרַת, comp. ZAW., XVI, 81.—31 (38). 6 καλέσατε *a' s'* points to קְרָאוּ inst. of קְרָאוּ.—34 (41). 18 לִפְנֵי implies לִפְנֵי = ἐνώπιον.—36 (43). 15 ἐπίστρεψον ἔב (MT נִשְׁב), so ט freely πάλιν and טוב. According to Field *a'*'s second edition had κάθισον (based on Syrohex.).—38 (45). 22 ἡτῶν implies ἡτῶν = κατέδυσαν, so ט *s'* ו.—46 (26). 20 ἐκεντρίζων = פָּרִיץ, so *a' s'* and ו.—48 (31). 4 ἀκουτίσατε = הִשְׁמִיעִי (MT has the pf.), so ט, *s'* accord. to Syrohex.—49. 16 (29. 17) *a'* and *s'* seem to have read שְׁכֵנִי for שְׁכֵנִי and הַפְּשִׁי for הַפְּשִׁי (κατασκηνοῦντας . . . ἐπιλαμβανόμενους).—49. 19 (29. 20) אֲרִיָּעָה = אֲרִיָּעָה for אֲרִיָּעָה (κατασπεύσω αὐτόν).—49. 30 (30. 8) ταχύνατε = הָעֲמִיקוּ inst. of הָעֲמִיקוּ (but prob. the latter was intended as imperative), so *a' s'*

supported by 𐤅 𐤆.—51 (28). 13 אַמַּת would imply אַמַּת = ἀλήθεια (so 𐤅) if we trust Codd. 86, 88; but accord. to Syrohex. *a'* agreed with MT: 𐤏𐤍𐤏.—Ezek. 1. 7 עֶגְלָה was probably read (ה)עֶגְלָה = στρόγγυλον, so 𐤏.—7. 7 ἐπιδοξότης = הַר (MT הַר), *a'* θ'.—16. 8 (καιρὸς) μαστῶν = אַת דִּימִים *a'* θ', but in sec. ed. דִּימִים = συναλλαγήs.—v. 34 וּנְהָה impl. וּנְהָה = πόρνη, so *a'* θ'.—v. 50 εἶδες impl. רָאִיתִי for רָאִיתִי, so *a'* ס' θ' 𐤕.—17. 6 καρπούς suggests פְּרוֹת, the mishnic pl. of פֶּרִי, hence *a'* read פֶּאֶרֶת for פֶּאֶרֶת or פֶּאֶרֶת for פֶּאֶרֶת (accord. to Baer's text).—20. 4 πρὸς αὐτούς implies אִתָּם for אִתָּם (*a'* always renders אִת meaning *cum* by πρὸς with an acc.).—21. 13 (18) ἡρεύνησεν impl. בָּחַן, similarly θ' though in a different sense.—v. 21 (26) παρατάξαι (or πατάξαι) impl. קָלַל for the pf. קָלַל, so *a'* ס' θ', also 𐤅.—23. 21 συζύγους σου = דִּינָה inst. of דִּינָה, so 𐤏. According to Geiger, *Urschrift*, p. 396 ff., *a'* would have retained the original (דִּי) in all the other places where he differs from MT in the word דִּי; while here he changed it purposely to avoid profanity.—24. 4 πλήρης implies מָלֵא for מָלֵא, so *a'* θ'.—v. 12 ἔχθρα points to רֵבַת inst. of רֵבַת, in which *a'* stands alone.—27. 24 καὶ κέδρος points to וְאֶרְוִים for וְאֶרְוִים.—Hos. 8. 10 καὶ λιτανεύσουσιν yields וְיַחֲלִי for וְיַחֲלִי.—9. 13 ἀνωφελές = 𐤏, MT 𐤏.—Amos 5. 26 συσκισμούς = סִבּוֹת inst. of סִבּוֹת; 𐤅, ס', and possibly also 𐤆 and 𐤕 read סִבּוֹת.—Jonah 2. 9 מִשְׁמְרִים impl. מִשְׁמְרִים = ἀπὸ φυλασσόντων.—Mic. 2. 6 οὐ καταλήψῃ = (עֲשֵׂה) לֹא יִסֵּג inst. of לֹא יִסֵּג, so 𐤏 and Jewish commentators; similarly 6. 14 where καὶ καταλήψῃ can only correspond to וְתִשֵּׁג (MT וְתִשֵּׁג); also here *a'* is supported by Jewish tradition.—2. 7 *a'* read הָאֶמֶר for הָאֶמֶר and עֲפֹה יִשָּׁר for עֲפֹה יִשָּׁר.—Nahum 1. 8 ἀπὸ ἀνισταμένων yields מְקוֹמָהּ = מְקוֹמָהּ (comp. Wellhausen, *Der Text der Bücher Samuelis*, p. 18 ff.) while MT has מְקוֹמָהּ; most of the other versions read בְּמְקוֹמָהּ, which gives better sense.—Hab. 2. 15

ἐξ ἐπιρρίψεως (Jer.: *de emissione*) could well correspond to מִפְּרִי (פִּ), which word occurs Job 14. 19 in this sense; probably also θ' construed מִפְּרִי in this way: ἀπὸ χύσεως.—3. 2 ἐν τῷ ἐγγίξειν corresponds to בְּקִרְבִּי, likewise Θ, MT בְּקִרְבִּי.—Zach. 11. 7 σχοίνισμα points to חֲבִלִים for חֲבִלִים, so Θ ס' S and U.—v. 13 ὑπερμεγέθης corresponds to אֲדִיר, hence א' read אֲדִיר for אֲדִיר.—14. 5 ἐμπραχθήσεται = וְנִסְתָּם inst. of וְנִסְתָּם, so Θ T and οἱ λοιποὶ (= the reading of the Orientals, cp. Norzi).—v. 20 מַצֵּלָה was read מַצֵּלָה = βυθόν.—Mal. 2. 3 אֶת־הַיָּוֵעַ is rendered by σὺν τῷ βραχίονι, hence א' read אֶת־הַיָּוֵעַ.

It should be noted that there are in addition many cases of different vocalization involved in the change of ו consecutive to ו copulative and *vice versa*, but it was thought advisable not to include them here.

29. Here and there Aquila divides the words in a manner different from MT; naturally the exegesis differs. Thus Ps. 9. 1 עֲלִמּוֹת א' combines to עֲלִמּוֹת = νεανιότητος (comp. 45 (46). 1 where עֲלִמּוֹת is rendered by νεανιοτήτων); with Aquila go most of the versions, T alone = MT.—44 (45). 3 יִפְּיִית is broken up into יִפִּי יִפִּית = κάλλει ἐκαλλιώθης (or ἐκαλλωπίσθης), so Θ ס' ε' S U Jer.—Cant. 7. 6 (7) בֵּת עֲנֻגִים is divided into בֵּת עֲנֻגִים = θυγάτηρ τρυφῶν, so S.—Eccles. 7. 30 (8. 1) מִי בִּהְחָכְם is divided to read מִי בִּהְחָכְם = τίς ὧδε σοφός.—Isa. 2. 20 לְחַפְּרֵי פִּרוֹת, see above, note 52.—54. 9 בִּי מִי נָח was read בִּי מִי נָח = ὡς αἱ ἡμέραι Νῶε, so ס' θ' T S U.—Jer. 15. 11 אֶן בִּי רַעַתְכִּי was construed אֶן בִּי רַעַתְכִּי = ὅτι πονηρὰ ὅτι τότε.

30. Aquila's exegesis may also be studied in words which though remaining unchanged yield a different meaning than that generally accepted. Thus Gen. 30. 11 נֶגֶד = εἰζωνία, a word used by א' for נֶגֶד, hence he took it in the sense of 'troop' not 'fortune', the latter is found in T and S, also Rashi, while the former is adopted by Ibn Ezra: טעם נד נדור;

49. 3 רָאִשִׁית אֹנִי = κεφάλαιον λύπης μου, hence der. from אָנָּן = trouble, grief, so σ' ט; v. 5 מַכְרִיתִיהֶם = ἀνασκαφαὶ (αὐτῶν), der. from כָּרָה = to dig, so IE under י"א; v. 14 מִשְׁפָּתֵיהֶם = κλήρων (lots, estates), so ט תחומיא and σ' μεταίχιμίων; similarly, Judges 5. 16; Exod. 25. 4 תִּלְעַת שָׁנִי = σκώληκος διάφορον, hence he der. שָׁנִי (scarlet) from שָׁנָה = change, be different; similarly, 28. 5 and 35. 23, 35; Deut. 29. 18 (17) רָאִשׁ 'venom' is rendered by κεφαλή, likewise 32. 33; 32. 2 שְׁעִירִם 'rain' is translated by τριχιῶντα 'hairy' and v. 17 שְׁעָרוֹם = ἐτριχίῳν αὐτούς, both therefore der. from שָׁעַר 'to be hairy'; 1 Kings 17. 18 עֲרֻבָתָם 'their pledge' is rendered by σύμμιξιν αὐτῶν, hence derived from עָרַב 'to mix'; Job 3. 5 יִנְאַלְהוּ = μολύναι (αὐτήν), der. from נָאַל = to stain, defile, so probably ט יטננן (moisten), Rashi and IE לכלוך, and ס 'cover', with which contrast ט, σ' and θ' who take it in the sense of 'redeem'; 30. 12 אֵיר is rendered by ἐπιβλυσμός as if it were אֵר 'cloud' (comp. Gen. 2. 6 in Field), so also Prov. 1. 26, while in Ezek. 35. 6 it is rendered rightly θλίψις; Ps. 34 (35). 20 רְנָעִי אֶרֶץ = ἀθρόα γῆς, hence א' took it in the sense of רְנָע 'second, moment' inst. of רָנַע 'quiet', ט probably read רְנָנִי; 64 (65). 14 בָּר 'corn' is made to correspond to ἐκλεκτός, chosen; 79 (80). 12 קִצְרִיָּהּ = θερισμὸν αὐτῆς, construed as קִצִּיר 'harvest' inst. of 'boughs'; 90 (91). 6 יִשׁוּר = δαίμονιζοντος, combined with יָשַׁר 'demon', so also IE under י"א; Prov. 12. 26 יָתַר = περισσεύων, similarly ט מן חבריה טב, hence derived from יָתַר instead of תִּיר, likewise Ibn Ezra; 20. 2 מְתַעֲבָר = ὑπερβαίνων α' σ' θ', construed as hithp. of עָבַר 'pass', comp. Deut. 3. 26 where הִתְעַבֵּר = ὑπερτιθέναι; 27. 6 נִעְתָּרוֹת = ἱκετικά (fit for suppliants), hence der. from עָתַר 'to pray, supplicate' inst. of עָתַר 'to be abundant'; 31. 9 בִּישׁוּר = ἀνδρεία (manliness) with reference to בָּשִׁיר 'proper' and בִּשְׁרוֹן; רְעִית Eccles. 1. 14: 2. 11: 6. 9

and רָעִיּוֹן 1. 17 are der. from רָעָה 'pasture' and translated νομή; Cant. 5. 13 עֵבֶר = ἐπίλεκτος (or ἐκλεκτός), so בחירה; Isa. 14. 19 בְּנֶצֶר = ὡς ἰχώρ, which according to Jer. (in Field's note) means *tabes, paedor, sanies*, Nestle suggests (*ZA W.*, XXIV, 127 ff.) talmudic נֶצֶל, but it is hardly necessary, since נָצַר has the same meaning in the Talmud as נָצַל, comp. Pal. Šeb. 35 c: ונצור ישראל להשיב; 18. 7 בְּנֶצֶר = ὑπομένοντος, so Jer. *expectantem*, der. from קוה = to hope; 28. 27 בְּהֶרִיץ = ἐν συντέμνοντι, hence הֶרִיץ was construed as a part. pass. of הֵרַץ with active sense, comp. Prov. 12. 24; 30. 23 בְּהֶרִיץ = ἡ κατήσῃς σου, in the sense of קִנְיֹן 'acquisition' not 'cattle'; 39. 2 אֶת־בֵּית = τὸν οἶκον τῶν ἀρομάτων, hence taken in the sense of נֶבֶחַת 'spice', so Rashi; Jer. 10. 17 בְּנֶעְתָּךְ 'bundle, pack' is rendered τῇ ἐπιτροπῇ σου for which Field suggests ἐντροπήν = shame, humiliation, in which sense it occurs in talmudic-midrashic literature, so Men. ben Saruḡ quoted by Rashi, IG, Kimḥi; 14. 14 אֵלִיל = σκελισμός (snare); 48 (31). 30 בְּרִי (his boastings) is transl. by ἐξαίρετα, hence identified with בְּרִים 'members', comp. Ezek. 9. 2, 11 and Dan. 10. 5; 51 (28). 2 זְרִים was taken in the sense of winnowers or scatterers = λικμητάς by both *a'* and *σ'*, so also ט; 52. 23 רוּחָה meaning 'on the sides' = ἀνημμέναι, hung up, fastened; Ezek. 21. 19 (24) בָּרָא = κεντώσαν, where read κεντοῦσαν, comp. Field, note, and Swete's Septuagint where Q^{ms} has: *σ' χεῖρα κεντουσα*. If then this reading is common to both *a'* and *σ'*, which is not impossible, they probably construed בָּרָא as a participle and κεντεῖν (prick, stab) in the sense of cutting down or destroying, comp. 23. 47 וּבָרָא אוֹתָהֶן בְּחֶרְבוֹתָם where ⑥ likewise has κατακέντει κτλ.; 25. 6 בְּכָל־שְׂאֵטְךָ = ἐν ὅλῃ τῇ διαθέσει σου = with all thy disposition (*θ'* read שְׂאֵטךָ); 27. 24 בְּנִי בְרוּמִים

= ἐν μαγώζοις συγκειμένους (put together); 40. 43 שְׁפָתַיִם = ἐπιστάσεις (first edition; from שָׁפַת, comp. 24. 3 שְׁפַת ⚭ ἐπίσθη-
σον); Hos. 9. 8 קִשׁוֹ = ἐσκωλωμένη, full of snares; Amos 7. 1
נָיִי is rendered by γάζα (treasure), confused with נָנִי; Zach.
4. 7 תְּשָׁאוֹת is der. from שוה 'be equal' and made to cor-
respond to ἐξίσωσις (equalization); 12. 5 לִי אֶמְצָה = καρτέρησόν
μοι, constr. as an imper. instead of a noun. It must also be
mentioned that נֶחֱדָה 'dwelling' is often confused with נֶאֱדָה
'beautiful', so is נֶבֶל 'foolish' combined with נָבַל 'sink,
languish, wither'.

31. In the preceding I have tried to illustrate Aquila's departure from the accepted vocalization, punctuation, and interpretation of single words of the masoretic text. In the following I intend to discuss his method of exegesis as exemplified in phrases and sentences which sometimes receive a singular treatment and yield a sense different than that transmitted to us by tradition.

Gen. 3. 16 הַשְׂדֵּה = συνάφεια (Jer. *societas*) is a free rendering and is probably due to some midrashic interpretation with reference to conjugal union and marital relation. A midrashic meaning perhaps underlies likewise ⚭'s ἀπο-
στροφή, comp. Ber. r. *ad loc.*, ed. Theodor, p. 191 (חֲשׂוֹבִי
לְחִשּׁוּקָא אִישׁ), and also Midrash Lekah Tob, ed. Buber, p. 27 (שׂוֹבִי לְחִשּׁוּקָא אִישׁ). Hence Nestle (*Margi-
nalien und Materialien*, p. 6) is hardly justified in suggesting
הַשְׂדֵּה for ⚭ in this place; nor Ball (Genesis in *SBOT*.)
in doing it in all the places where it occurs. As to ὁρμή
of σ', it probably also goes back to a midrashic interpretation,
comp. Frankel, *Einfluss*, p. 10.

Ibid., 4. 7 שְׂאֵת אִם־תֵּיטִיב שְׂאֵת = (οὐκ) ἐὰν ἀγαθύνῃς, ἀρέσεις
= if thou doest well, thou wilt please; this is a satisfactory
rendering, שְׂאֵת being taken as the apodosis in the sense of

שָׂאת פָּנִים; in this interpretation *a'* is supported by most versions, particularly *θ'* **Σ** and **Υ**, and commentators, cf. especially IE: אִם עֲשִׂית טוֹב תִּשָּׂא פָנֶיךָ. **Θ**'s rendering of the whole phrase is based on consonantal variations, see Margolis, *ZAW.*, XXVII (1907), 249 f.

Ibid., 14. 3 and 8 עֲמָק הַשָּׂדִים = . . . τῶν πριωνῶνων as quoted by Jerome and restored by Lagarde (*Hieronymi quaestiones hebraicae in libro Geneseos*, p. 23) and Field (note, *ad loc.*). Πριωνῶν or πριών is an ilex-grove (*locus ilicibus consitus* in Field). With *a'* goes the Midrash (Gen. r., ed. Theodor, p. 410): שָׂדִים שְׁחִיָּה מְגַדֵּל סָדֵנִין (see Lagarde, *Mittheilungen*, IV, 362); on the other hand, *θ'* τῶν ἀκτῶν (*amoena nemora*) goes with **Τ'** פְּרֻסִּים cp. *σ'* ἐν τῇ παραδείσῳ τῆς ἀκτῆς גִּן־עֶדֶן Gen. 2. 15, similarly **Τ'** מִישֹׁר שְׁעִשִּׂי (l. c.) חֲקִלִּיא, cp. the alternative in the Midrash (*l. c.*) שְׁדִים.

Ibid., 22. 2 אֶרֶץ הַמִּזְרֵה = . . . τὴν καταφανῆ, *σ'* τῆς ὀπτασίας, **Θ** τὴν ὑψηλήν. Comp. Mid. Tanhuma on Gen., ed. Buber, p. 112: מָקוֹם שֶׁהָאֹרֶה? מוֹרִיָּה הוּא מִיָּנִי אֹמֵר מָה הוּא מוֹרִיָּה? יֵצֵא לְעוֹלָם.

Exod. 19. 22 for הַכֹּהֲנִים, according to the larger Cambridge Septuagint, *a'* wrote οἱ πρεσβύτεροι instead of the usual οἱ ἱερεῖς, which is the reading of **Θ** and the other ancient versions. It is clear that *a'* smoothed over the anachronism (the priests mentioned before their institution, Exod. 28) by his rendering 'elders'; the rabbis for the same reason make of them the 'firstborn' (Zebahim 115 b; Mekilta, *ad loc.*). Contrast Wiener, *Pentateuchal Studies*, 230; Troelstra, *De naam Gods in den Pentateuch*, 17. Curiously enough, in 2 Kings 8. 18 (sons of David!) *a'* (and, acc. to Barhebr. also *σ'* and ὁ ἐβραῖος) has ἱερεῖς, while **Θ** makes of them αὐλάρχαι and *σ'* (acc. to cod. 243) σχολάζοντες; cp.

20. 26 ⑤ σ' and ἄλλος ἱερεύς and 3 Kings 4. 5 α' σ' ἱερεύς (omitted by ⑤); cp. also 1 Chron. 18. 17 הראשנים ליד המלך!

Lev. 8. 8 אֶת־הָאֲוִירִים וְאֶת־הַתְּמִים = τοὺς φωτισμοὺς καὶ τὰς τελειώσεις, in which most of the minor versions coincide. For a similar interpretation, comp. Yoma 73 b : אורים שמאירין את דבריהן תומים שמשלימין את דבריהן, and again Pal. Yoma VII end, 44 c : שהן מאירין לישראל ותומים שהן מתימין לפניהם. Contrast ⑤ : τὴν δῆλωσιν καὶ τὴν ἀλήθειαν, and comp. hereon Frankel, *Einfluss*, 100 f.

Job 18. 14 לְמַלְךָ בְּלֹהוֹת = καὶ ἐπιβήσεται αὐτῷ τοῦ βασιλέως ἀνπαρξία = and there will set upon him the King's non-existence. In the first place ἀνπαρξία for בְּלֹהוֹת (so also α' σ' 27. 20, cp. ἀνύπαρκτος σ' 24. 17) suggests that it was etymologically connected with בל 'not' (בְּלֹהוֹת was prob. pronounced in Aramaic fashion בְּלֹהוֹת), as may be proved by the fact that ἀνύπαρκτοι is employed by σ' elsewhere for לֹא־הָיָה (Prov. 19. 7) and אֵלִילִים (Ps. 95 (96). 5, combined with אֵל) and ἀνπαρξία for כִּבְלִילֹ sine nomine Job 18. 15. Then the construction בְּלֹהוֹת לְמַלְךָ = לְמַלְךָ בְּלֹהוֹת in the sense of בְּלֹהוֹת (ה) מַלְךָ is interesting.

Ibid., 30. 12 עַל־יְמִין פְּרָחַח יָקוּמוּ = ἐπὶ δεξιῶν βλαστῶντος ἀνέστησαν = upon the right (hand) of the sprout they rise. Here α' read יְמִין as a constr. st. to פְּרָחַח and made the subj. impersonal. In this interpretation he is followed by θ', but opposed by ⑤ and Jewish commentators. As to פְּרָחַח, cp. Saadya עכרש = a kind of thorn, and IĠ under יש שפרש מי.

Ps. 2. 11 נִשְׁקִיב־בְּר = καταφιλήσατε ἐκλεκτῶς = kiss purely, i.e. worship in purity; so also σ', Jerome, and Rashi. This interpretation may be considered as an attempt to avoid the christological translation of בר = son; but it is remarkable that Jewish commentators like IE, Kī., and even

Maimonides felt no difficulty in accepting this interpretation.

31 (32). 7 פִּלַּט הָקִיבֵנִי רַנִּי = αἰνεσίς μου, διασώζων περι-
κυκλώσεις με; a' seems to have read רַנִּי (my praise, saving
thou wilt surround me). A similar interpretation, including
the disregard of the accents, is also found in ⑤: τὸ ἀγαλλίαμά
μου, λύτρωσαί με ἀπὸ τῶν κυκλωσάντων με; while Jer. with his
laus mea salvans, circumdabis me comes nearest to a'.
רַנִּי thus becomes a parallel to לִי סָחָר (which a' renders
ἀποκρυφή μου) while פִּלַּט is taken as the infin. absol.

67 (68). 32 יֵאָחֲזוּ חֲשָׁמַיִם מִנִּי מְצָרִים = ὀλοισιν ἐσπευσμένως
ἐξ Αἰγύπτου. Jer., too, renders חֲשָׁמַיִם by *velociter*. This led
many commentators to assume that the text originally
read מִנִּי (חֲשָׁ or חֲשָׁ) dittographed and then ם added).
But aside from the fact that πρέσβεις of ⑤ and *legati* of ⑥
speak against it we must also consider that Aquila here,
and hence also Jerome, is supported by a Midrash which
interprets the passage to mean חֲשָׁיִם וּמְנוֹנִים לְהַתְנִיִּיר (*Midr.*
Teh., ed. Buber, p. 320). This example should be added
to those in § 11.

68 (69). 4 כָּלִי עֵינִי מִיֵּהָ לְאַלֵּהִי = ἐτελέσθησαν οἱ ὀφθαλμοί
μου περιμένοντες τὸν θεόν (μου). a' (and so σ') apparently
substantiate the masoretic pointing מִיֵּהָ against מִיֵּהָ pre-
supposed by ⑤ and ⑥.

92 (93). 3 יִשְׁאוּ נְהָרוֹת דְּבָרִים = ἐπήρθη ποταμῶν βάθῃ αὐτῶν.
The passive construction was apparently adopted so as not
to ascribe an action to the (personified) rivers. The genit.
ποταμῶν anticipates αὐτῶν.

119 (120). 5 גִּרְתִּי מִשְׁפָּה = προσηλύτιστα ἐν μακρυσμῷ. In
the same sense, though following a different construction,
also ⑤ and σ'. These versions apparently failing to
recognize in מִשְׁר the name of a people (so mediaeval

θαυμαστὸς σύμβουλος, ἰσχυρὸς δυνατός. That *a'* read מִצְרָה was already stated above (§ 28), comp. also Lagarde, *Semitica*, I, 16 f. The rendering of אֵל גִּבּוֹר by ἰσχυρὸς δυνατός has been criticized by Theodoret, though he is followed in it by both *σ'* and *θ'*. This rendering, as Field rightly states (*Prolegomena*, p. xx), agrees with *a'*'s style generally and it was hardly right to style it 'wickedness'.

25. 8 בָּלַע הַפּוֹת לִנְצַח = καταποντίσει τὸν θάνατον εἰς εἶκος. *σ'* likewise construes הַמּוֹת as object, the subject being אֲדָנִי הָיָה of the following phrase. So also Rashi. *Θ*, on the contrary, takes הַמּוֹת as subject, so also Sa'adya and Ibn Ezra.

38. 11-12 דָּוִד: הָרַל = ἐπαύσατο γενεά μου. The two words are connected by all the Greek versions which at the same time read הָרַל (so *Θ* and *θ'* ἐξέλιπεν); פֶּסֶק points likewise to הָרַל; *U* *quictis* also implies הָרַל. Jewish commentators explain it as הָרַל by metathesis (comp. *Kimḥi* among others), and this view has been adopted by modern scholars. How *a'* formed a pause with the constr. יוֹשְׁבֵי it is hard to understand; possibly he read a word before הָרַל specifying κατοικούντων or else he read יוֹשְׁבֵי הָרַל: הָרַל דָּוִד.

53. 5 מִפְּשָׁעֵינוּ מִחֻלָּל מָהוּא = [καὶ] αὐτὸς βεβηλωμένος ἀπὸ ἀθροισμῶν ἡμῶν. Quite so *τ'*: רָאָה חֵל בְּחֹבֶנָּה with reference to the Temple. But *Θ* has ἐτραυματίσθη 'wounded, pierced' and likewise most Jewish commentators and all modern exegetes derive it from חָלַל = pierce. Undoubtedly Aquila as well as the Targum sought to tone down the christological application.

Jer. 6. 18 יָדַעַי עָרָה אֶת־אֶשְׁרָךְ בָּם = καὶ γινῶτε μαρτυρίαν τὴν οὖσαν ἐν αὐτοῖς; *a'* therefore takes עָרָה in the sense of עֵדוּת; as to בָּם he apparently construes it as referring to the

people of Israel. Aquila's reading forms the basis for Giesebrecht's emendation to ורעו דעה, which, however, fails to account for the part. את. ⑤ καὶ οἱ ποιμαίνοντες τὰ ποίμνια αὐτῶν points to וְרֵעֵי עֶרְיָהֶם, while את אשר בם is omitted altogether.

34 (41). 18 לִפְנֵי הָעֵינַי = ἐνώπιον τοῦ μόσχου; hence *a'* read לִפְנֵי disregarding the accent; contrast ⑤ κατὰ πρόσωπόν μου and ⑦ קרמי.

48 (31). 30 וְלֹא־בָדְיוּ עֲבָדָיו = ἡ μῆνις αὐτοῦ, καὶ οὕτως τὰ ἐξάίρετα αὐτοῦ; οὕτως is probably an error of transmission for ου(χ) οὕτως; the transposition of the accent is supported by ⑤ ⑥ ⑦ which in addition read עֲבָדָיו for עֲבָדָיו; בָּדְיוּ is rendered etymologically and derived from בדר = be separate.

Ezek. 2. 10 וְהָיָה נְהִי קִינִים אֵלֶיךָ וְכָתִיב אֵלֶיךָ קִינִים (καὶ) γεγραμμένον ἦν ἐπ' αὐτοῦ κτίσις καὶ ἀντίβλησις καὶ ἔσται; *a'* construes קִינִים in the sense of קנין, deriving it from קנה = to buy, possess, while נְהִי is der. from הָיָה = to be; for this interpretation there is no analogy in the versions nor in the commentaries.

32. To sum up Aquila's exegesis, it is safe to say that he leans mostly on Jewish tradition as manifested in Targum, Midrash, Talmud, and developed in the works of Sa'adya, Kimḥi, Ibn Ezra, Rashi, &c. Where he seems to stand alone it is probably due to the fact that the traditions in question have not been preserved. The most frequent grouping among the versions is *a'* ⑦ ⑧, while *θ'* vacillates between this group and the Septuagint, bearing out the contention of scholars that he was simply a reviser of the Alexandrine version and not an independent translator like *a'* (comp. Swete, *Introduction*, p. 43, and Schürer, *Geschichte*⁴, III, 440). Symmachus more frequently goes with the above group, but now and then he follows his own

way or that of the Septuagint. As to the relation of α' to Θ , it is evident that the former diverges as far as possible from the latter, proving once more that his version was intended as an antidote to the older Greek version.

(To be continued.)

JOSEPH BEN ABRAHAM HAKOHEN

BY A. MARMORSTEIN, Jews' College.

AMONG the various fragments of the TAYLOR-SCHECHTER COLLECTION at the University Library in Cambridge I found (Nov., 1905) four poems which make us acquainted with new names and new facts hitherto unknown in the history of the Jews at the end of the Gaonic period. The date of the fragments is fixed. I, 1, we read: שנת תתקנ"ד לחרבן הבית, 954 years after the destruction of the Temple, that is, $954 + 70 = 1024$. The name of the writer is mentioned III, 47: בן יעשה עם עבדו בן אמתו אברהם הכהן. The writer compares in that poem the events of his sorrowful life with the life of Joseph in the Bible, therefore we may assume that his name was Joseph. There can be no doubt that the poems are in the closest connexion one with another, for we see clearly that one refers to the others.¹ The first three poems are written in an alphabetical order; ² the fourth begins: אוכור ואזכירה, מרירת יום זה, and is to be said on the fifteenth of the month Kislev between the several portions of the Eighteen Benedictions. The particulars furnished by the poems concerning the events of the poet's life and the position

¹ See fol. I, 1, 19; II, 17; III, 19 and IV, 4 ff.; or III, 5 f. 22; IV. 14 f.; or I, 11 (the death of his brother) and III, 31; IV, 19. כי זכרתי החבושת is an express allusion to the third poem.

² The first runs: אוזק אליו; the second: אוזק אליו; the third: אוזק אליו. אפחד בכל יום ונפשי יועק; the third: אוזק אליו.

he held in the community are as follows. The writer's birthland is not Egypt, where he became a prisoner.³ The origin of his connexions with Egypt might be found in the fact that the prisoner's wife was from Egypt.⁴ We learn, however, that the writer's married state was in the highest degree unlucky.⁵ His enemies were Jews.⁶ They are called ערת צדוקי וביתום.⁷ The enemies of to-day are the friends of yesterday, and the writer confesses his sins, when he says: אהבתי ודברי אבות השלכתי (זדים?) ריעות זרים (זדים?).⁸ ועל מאמרם עברתי ואויביהם ויטנאיהם עזרתי וכן בידם נמסרתי. We infer that the former friends and present enemies are none else than Karaites, and that the writer associated with them. Thus it follows that there were Karaites in Palestine, from which country the writer came, in the tenth century or in the first twenty years of the eleventh century.⁹ In other passages, likewise, the writer speaks about his sins.¹⁰ The immediate cause for the sufferings and punishment was that the enemies took legal proceedings against the prisoner, who having answered for a debt of 240 duhnanim was unable to pay it.¹¹ His bitterest enemy was a Jew designated as מערבי.¹²

The writer must have belonged to a respected and pious family,¹³ and he himself occupied a high position.¹⁴

³ III, 11: ונם אני נטר עלי ביאתי הנה . . . בקלקולים לתתי ביד מצרים.

⁴ III, 26 f.: גם אני השיאוני אישה מחוץ לארץ ותתי תחילת כל פריץ.

⁵ III, 16 f.

⁶ I, 22; III, 8; IV, 60: ערת מרעים.

⁷ I, 24.

⁸ IV, 31 ff.

⁹ See the remark of S. Poznański, *Die karäische Familie Firuz*, Warsaw, 1913, p. 16, n. 2.

¹⁰ I, 7.

¹¹ IV, 60: קמו ופרשו רשת לרגלי כתב ערב הוציאו אלי בשביל מאות: וארבעים דהננים כתוב עלי.

¹² IV, 83.

¹³ III, 27; IV, 79.

¹⁴ I, 24, זקן העברים; IV, 65, מציל עדתי מדיני אד.

The situation of the poor man is very sorrowful, for all his goods and all his property are taken from him, his house and fortune ruined: from the deepest dungeon he looks for redemption and salvation.

But who is the man? If it be only the life-story of a private individual, then, we might argue, it cannot claim public interest nor demand a place in Jewish history. But even if it were so the documents would still merit attention, there being more than one point which throws light on the inner life of the Jews in the beginning of the eleventh century and on the war between the Jews and Karaites. We are able, however, to say more about that man and his family than would seem possible at the first sight. For we have found another important document from the same Genizah, now in the possession of the well-known scholar, Mr. Elkan N. Adler, M.A., in London, to whom I am indebted for his kindness in allowing me to use his MS., which will furnish the answer for all our questions. Cod. Adler No. 223 contains letters from Abraham ben Joseph Hakohen, ראש ישיבת ארין ישראל,¹⁵ the head of the schools in Palestine. The names of the persons to whom the first letter was addressed are omitted, but we read that they were followers of the Rabbanites and the Law.¹⁶ The

¹⁵ p. 3 has name: ושם אלרם חליף ר' אברהם הכהן בחבורת סנהדרין נדולה בן מרנא יוסף ראש ישיבת ארין ישראל נ"ע סגולת האיגרות. The fragment contains four pages. Two pages are letters, the others the סגולות האיגרות.

¹⁶ 1. 2: לאחים נעים ושלמים לעזור ולשען מקמים להנחילם (תשועת): עלומים להושעבד' תשועת עולמים מבטיח ומקיים ישראל נושע בד' תשועת עולמים. . . ע"ע וממנו אנו דרי (עיר?) קודש (קדוש?) תבנה ותכונן כת הרבנים. . . השומרי תיקונים.

חשובים כמתים טרופים כפירים | יקושי מלכת (מלכה) בשולי: 1. 10: צהר לבושי קדרות, ממושכים ממורטים, נשובי נחש, סגורי כלא

second letter is addressed to the holy congregation in Hamath and Rakath.¹⁷ It is possible that we have here before us the formulary of the letters sent to the communities from the schools or authorities of Palestine or the letters for the safe conduct of ambassadors or delegates of the school-heads. The third letter is to the congregations of Zoan, Egypt. There are two formularies, each in alphabetical order, enumerating all their merits, the highest being that they are supporters of the Yeshibot;¹⁸ and, secondly, peaceful and faithful people. At any rate, we learn from these fragments that there was a spiritual head of the communities, even for those abroad, in Palestine, and the bearer of this dignity was Abraham ben Joseph Hakohen. His son may be our Joseph ben Abraham Hakohen, whose life is described in our texts, and who lived about 1024.

אל קהלות הקדושות אשר בחמת וברקת יושבות . . . שרידים: 18 p. 3 a, l. 18
 במצות (3 b, l. 1) אלהים גדולי משפחות דורשי צחות מישרי נתיבות
 הצד העליון והצר התחתון יחסי בתארות זקנים וגבירים חשובים
 וברים . . . במעשיות טובים בני טובים יקרים ואהובים . . . נדיבות, כולם
 לפי כבודם, להרבות שלומם . . . מושכן ערבות מבינים וחכמים נאהבים
 ונעימים מהוללים בחבורת סופרים וחזנים ענים ועונים (ב) שאלות ותשובות,
 פקידים וסוחרים, צדקות משחרים בטוב מחשבות קטנים וגדולים רצויים
 במקהלות בעצות מיושבות שלימותם . . . לשמוך חכף לברכות להספות
 עם ישועות וטובות עד תאות . . . כל תקוותי הנאהבות ומחנות רחבות
 להפיץ ברחובות יהיו לכל דרי חבור בחיבור בציבור עם כל מלאו כל
 סבור נצה סלה . ישאו חשבוני ונדיבני וחוקים בלבבני שלום לאין קין
 ממנו ומסמוכי ישיבתינו וזקני מושבינו והערים אל משמעתינו כי בחדס
 מעו זינו.

מבארי מצות, נטע נאמנים נדיבי נותני נדבות סומכי סמוכי 18 p. 1 a:
 סעד (סת?) סועדי ישיבות עוזרי עורכי עורכי ערבות.

מחזיקי בדק אוהוי הרבות משיבי מלחמות מרחיקי מריבות . . . 6 p:
 חמה הם מסעדי יושבי כנען . . . הם הם חורי נצורי שרי בית ישראל.

Going just a step further, we must here note that Schechter found in the Genizah important material for an unknown chapter of the history of the Jews in the eleventh century.¹⁹ Bacher used it and reconstructed from it the names of the Geonim in Palestine at the end of the Gaonic period.²⁰ But the origin of the newly founded dignity is obscure. We may say that the Geonim in Palestine were the descendants of Abraham Hakohen. We read, namely, Maṣliaḥ (1131) Gaon was the son of Solomon Gaon, who was the son of Elijah Gaon, the grandson of Solomon Gaon, from the family of Joseph, the priest.²¹ Bacher restores: 'בן אהרן הכהן הראש קודש ד'. If our opinion is right, we may advance the suggestion that Abraham the priest, who is mentioned in another fragment published by Schechter,²² whose father was Joseph, is none else than our Abraham ben Joseph, the head of the family of the Geonim in Palestine in the eleventh century. It would exceed the limits of my article were I to show all the new points which may be deduced from the present publication; suffice it to say, that Joseph was the last of the Rashe Yeshibot, and that after or with him begins the line of the Geonim in the Holy Land. For all we know, his sufferings may have been in connexion with the new order of things.

¹⁹ *Saadyana*, p. 80.

²⁰ 'Ein neuerschlossenes Capitel der jüdischen Geschichte', *JQR.*, XV, p. 79 ff.

²¹ *JQR.*, XIV, p. 450, n. 1.

²² See *Saadyana*, p. 67, l. 6, and p. 68, l. 15. [See now my article *ZDMG.* 1914, pp. 637-8.]

I

שנת תתקנ"ד לחרבן הבית

- 1 ינקום נקמתי מיד מדיני
- 2 אֲזֹלֹ הַיָּמִים וְגִבְרוּ הַזְּמַנִּים
- 3 אַחֲרֵי שֶׁבּוּ עֲשֶׂרֶת זְמַנִּים . בְּכִי וְנָהִי וְרִינוֹנִים
- 4 וְצוֹם וְאֵבֶל וְתַחֲנוּנִים . גְּבֵרָה עַד לְמָאוֹד
- 5 וְקִצְרָה . . . וְעוֹ מִתִּי רַדְפוֹנִי . חֲסֵרָה [הִסֵּר ה . . .]
- 6 מִתִּי לְנֶפֶשׁ וְצַרְתִּי וְהָלָא זֹאת
- 7 עִם בְּרוּעַ מַעֲשֵׂי, וְרַבְרֵי אֲבוֹת [הִשְׁלַכְתִּי]¹
- 8 וְדַרְכֵי זֵדִים בְּדַרְשֵׁי . זְכַרְתִּי רוּעַ מַעֲשֵׂי[י]
- 9 לְרוּחִי וְיִצְרִי, שִׁמְעִתִּי לְקוֹל יִדְיָי
- 10 יִצְאֵתִי לְמִכְתַּר צָרִי . חֲמָה בַּעֲרָה בִּי, וְאֵבֶלָה
- 11 עֲצָמִי וּבִשְׂרִי, וְלֹקַח מִמֶּנִּי אֲחִי וּמְרִי²
- 12 „טוֹב מוֹת מַחֲיִים” אִמַּרְתִּי בִּי, צָר לֹא חָס עָלַי וְעַל
- 13 שִׁבְתִּי, וְאָמַר אֲבֵרָה תְּקוּתִי! יִפְרָצוּנִי פָרִץ אַחֲרֵי פָרִץ,
- 14 וְיִזְרוּק בִּי חֵץ אַחֲרֵי חֵץ, שִׁיחָה (?) לְכָל מוֹרֵד לְאֶרֶץ, וְאָמַר עַד
- 15 מִתִּי קֵץ ? — זֹאת בְּרוּעַ מַעֲלָלִי, כִּילָא חֲמִסִּי אֵלַי, עֲלִבֵּן
- 16 פָּצְתִּי בְּקוֹלִי וְאָמַר: אוֹי לִי! לְיוֹם מְנוּחָה קִרְאתִי מִי
- 17 בָּא לִי נִפְלָתִי בִיד עֲטוֹף רֹאשׁ בְּאַבְלָה³
- 18 וְאָמַר: עַד מִתִּי תִשְׁפְּטוּ עוֹלָם!⁴ מָרוֹם דִּין לֹא יִרְאוּ מִסְּחֹרְתִי,
- 19 וְיוֹם פּוֹרִים בְּבֵית כָּלָא בַּעֲשֵׂתִי, וּמִגִּילָה לֹא יִשְׁמַעְתִּי וְלֹא קִרְאתִי,
- 20 וְאָמַר: אוֹי כִּי נִדְמִיתִי!⁵ נִדְוִנִי בְּכִבּוּת עֵינַי, כִּנְפַלְתִּי
- 21 בִיד כָּל צָר וּמִינִי, לְאֲבָדִי בִקְשׁוֹ וּלְקַחַת מִמֶּנִּי וְאָמַר: עַד מִתִּי ד' אֱלֹהִים!

¹ See IV, 31.

² See III, 27 ff.

³ Cp. Esther 6. 12.

⁴ Ps. 82. 2.

⁵ Isa. 6. 5.

⁶ Cp. Isa. 6. 11.

- 22 סבבני זידים וידם בי פנעה, והוציאוני נודעה אל רעה,⁷ ולא
 23 מצאתי מהם מנוח ומרגוע(ה)⁸ ואומר: עדמתי לעדה הרעה?⁹
 24 עדת צדוקי וביתוס ישמוני סחי ומאוס,¹⁰ ולא מצאתי
 25 עזרה ומנוס, עד רכושם וביתם תהרם || פצו עליבפיהם ושחקו ונמו:
 26 „יקחו ממנו והנקה תנקה” ומצורם רחקו. צור עד מתי
 קנאותינו
 27 לא תנקה, ותישמע ישעותינו ומענה ותרויח לנו מכל אויב ומשנה
 28 ותהיה סביבותינו חוצה. קראונך מן המצרים,¹¹ כי הוצר לנו צר . . .
 29 לנו כי בצר ידך
 30 נכלמים אם כבנים . אם כעבדים, כי עליך אנו
 31 בהבלי נויים מתהבלים^{11a}. ישמע צעקתינו ביום
 32 ואל תבזה, כחננך אבי כל
 33 אבינו
 34 שלש עשרה מידות בקראנו.

II

- 1 אַעֲקֵא אֵלֶיךָ שׁוֹכֵן מַעֲוֵנִי, מְקוֹצֵר רוּחַ וּמְרֹב דּוּוּנִי
 2 לַפְּנִיךָ. בְּאַנְחָת לְבִי וּדְמַעַת עֵינַי. מִמַּעַמְקִים קִרְאֲתִיךָ ד',¹²
 3 נְבֹרֶךְ אַתָּה וַיְכֹל לְהַצִּילִי וּמִי גֵרָם לִי לְסַתּוֹר פְּלִילִי וּמִלְאֲרֹב
 4 דְּנִאֲתִי (?) ד' שָׁמַע נָא קוֹלִי¹³ הֲלֹא אַתָּה הַבְּטַחְתִּי וְשֶׁל קִיבּוֹל
 5 הַתְּשׁוּבָה נֹאמַר: כִּי־אֵין אָדָם שֶׁלֹּא חָטָא עוֹד וְעַד מַחְצֵי הַנֶּפֶשׁ
 6 תִּקְבַּל¹⁴ וְחַס עָלַי וּלְכֵן אִם עֲוֹנוֹת תִּשְׁמֹר ד' מִי יַעֲמֹד¹⁵ זְכוֹר
 7 אֲזַכְּרֶךָ מִתּוֹךְ שִׁיחָה, בַּהֲתַעֲטַף נִפְשִׁי עָלַי וּתְשַׁתּוּחַח¹⁶ חֲנִנִי
 8 וּפְדִינִי וְתֵן לְצַרְתִּי רוּחַ, כִּי עִמָּךְ הַסְלִיחָה,¹⁷ טְמוּנָת לְבִי וּנְפִשִׁי

⁷ See Gen. 19. 5.⁸ Cp. Jes. 28. 12.⁹ Num. 14. 27.¹⁰ Lam. 3. 45.¹¹ Lam. 1. 3.^{11a} See Jer. 14. 22; 2. 5.¹² See Ps. 130. 1.¹³ Ps. 130. 2.¹⁴ B. Berakot 7 b and 10 b.¹⁵ Ps. 130. 3.¹⁶ Jona 2. 8.¹⁷ Ps. 130. 4.

- 9 גלוי לפניך קדוש, יְהוָה . . . ואל תגרשי כי קויתי ד' קותיה
 10 נפשי! ¹⁸ כִּי אַתָּה בּוֹחֵן לִבָּבוֹת וְחוֹקֵר, מִבּוֹה מִבּוֹיֵךְ וּמִכְבִּדִיךְ מִיֶּקֶר. ¹⁹
 11 ד' תִּקְרָא דְרוּר . . . בִּי נִפְשִׁי צְמָאָה לִרְחֻמִּיךְ מִשְׁמֹרֶת
 12 לִבְקֹר ²⁰ מִבֵּית כֹּלָא וּמִרֹב עֹנִים אֲזַעֵק אֵלֶיךָ אֱלֹהֵי עוֹלָם. נֶאֱמַן
 13 אַתָּה לְהַבִּיא תִּנְחֻמוֹת כּוֹלָם, לִכְן יִחַל יִשְׂרָאֵל עַל ד' מַעֲתָה וְעַד עוֹלָם. ²¹
 14 סִמּוֹךְ נִפְלְתִי סוּמֵךְ נּוֹפְלִים. סִיחִי יַעֲרֹב לִפְנֵיךְ כִּקְטֶרֶת אֵילִים.
 15 עֲנֵנִי וְאֶזֶן מִרוּחֹתֶי אֶל תַּעֲלֶם, כִּי אַתָּה דִּיִּן אֱלֹמֹנוֹת וְאִבִּי יְתוּמִים.
 16 פְּדִינִי מִעֹשֶׁשְׁקִי וּשְׁלַח רְפוּאָה לְמִכְתִּי, פְּנֵה אֵלַי (ד' וּשְׁמַע תְּפִילָּתִי.
 17 צַעֲקָתִי קִשּׁוּב וְקִנָּא קִנָּאתִי, כִּי אַתָּה אֱלֹהֵי תְּהִילָתִי קִרְבֵּן הַצְלוֹתִי
 18 מִבֵּית כֹּלָא צָדִיק וְנֶאֱמַן וְעוֹשֶׂה פֶלֶא. רַחֲמֵם אֲשַׁאלְךָ אֶל תִּשְׁכַּחֲנִי
 19 בְּצָרוֹת הָאֵלֶּה, וְתַהֲא עוֹזֵר לִי וְחֹסְרוֹנִי תִמְלֵא. שִׁמְךָ עָלֵינוּ
 20 נִקְרָא (שְׁמוֹר ?) יְחִידָתִי. מִכָּל צָרָה תִּנְחַמְנִי. וְזֹאת אֲזַכְּרָה אֲבִרְךָ הַמֶּלֶךְ
 21 הַגָּדוֹל הַנּוֹרָא
 22 עָלֵי לְרוֹן עַד חוּג שָׁמַיִם.

III

- 1 אֶפְחָד בְּכָל יוֹם וְנִפְשִׁי יוֹעֵק בַּעַת נִטְשָׁנִי צָר וְחֹרֶב
 2 בְּבֵית כִּיפָה שְׁמִנִי וְאִין לִי פְרִיק אוֹתָהּ | נִפְשִׁי
 3 (כֹּאשֶׁר) עֶבֶר עַל יוֹסֵף. בֶּן שֶׁבַע עֶשְׂרֵה שָׁנָה הִתְחַלָּה רַעְתּוֹ
 4 אַחֲרֵי חִלּוּמֹת בְּרָאוֹתָי, וַיִּסְפֹּר אוֹתָם לְאֲבִיו וּלְאֲחָיו ²²
 5 גַּם אֲנִי אַחֲרֵי שֶׁבַע עֶשְׂרֵה
 6 שָׁנָה בְּרָאוֹתִי חִלּוֹם. . . . וַאֲיִרָא וְאַרְעֵד מִמֶּנָּה
 7 וַיִּנְתֵּמִי וַיִּדְעֵתִי כִּי . . . שׁוֹכֵן מַעוֹנָה, דְּבָהּ הוֹצִיא אֶל אֲחָיו, ²³
 8 וּשְׁאֵלוּהוּ וַיִּמְרְהוּ וּרְבּוּ וַיִּשְׁטְמוּהוּ ²⁴ גַּם אֲנִי נִפְלְתִי בִיד אִישׁ שְׁלֹמִי
 9 אֲשֶׁר חֲשַׁבְנִיחֹן קַחַת נִפְשִׁי בִיד
 10 סִבְבּוֹ. הֵם מִכְרוּהוּ בַּעֲשָׂרִים וָאַרְבַּע לִישְׁמַעְאֵלִים וְהִבְיָאוּהוּ
 11 וּמִכְרוּהוּ לְמִצְרַיִם וְגַם אֲנִי נָטַר עָלַי בִּיאָתִי הִנֵּה . . . בְּקִלְקוּלִים

¹⁸ Ps. 130. 5.¹⁹ Ps. 130. 6.²⁰ 1 Sam. 2. 30.²¹ Ps. 130. 7.²² Gen. 27. 10.²³ Gen. 37. 2.²⁴ Gen. 49. 23.

- 12 לתתי ביד מצרים. והם נמו עד שיראו מה יהיו
 13 חלמותיו²⁵ כי גם (?) לנו כי כמה אלומותיו²⁶. גם אני בקשו קחתי
 14 ונמו: „אין מי לפדותו, נלכד ביד עונותיו.” וזה עליו אשת אדוניו
 15 ונמה: „עמי שכבה!” וירא ויפחד ממדורת אש להבה,^{26a} גם אני
 16 ראיתי בעיני כי תועבה וכל רעי מחרף אותי יסובנה.
 17 חמת אדוניו עליו הזעיר, ויעקר קלחו בעיר, גם אני
 18 אוהבי עליה יעיר, ושמני בפי רב וזעיר, טרחו
 19 והשליכו לבית בלא, ברזל ישם ברנליו, יפלו לכלא גם אני
 20 אחר שהקניאוני הושלכתי לבית בלא ונמו: „אין לו נצר, ידו רעה!”
 21 יוסף זכר את החלומות ואשר קראוהו מרוב רעותיו ותלאות
 22 גם אני זכרתי מה שנילה לי בחלומות, וכי כמה עלי אחר נחמות
 23 וצומות. כי המציאוהו אל חן בעיני שר הסהר²⁷
 24 והאסורים. ומצליח ומנחם אותו היו קוראים. גם אני כשר
 25 הייתי בעיני כל ראויים יקראו לי זקן העברים. ליוסף השיאו
 26 אשה מחוץ לארץ והושם לגודר פריץ, גם אני השיאוני
 27 אשה מחוץ ותהי תחילת כל פריץ, מאביו ומאחיו נפרד
 28 ובאשת אדוניו כנפרד מרד גם אני מאחי ורעי כנטרתי לבם
 29 סוד כמים המנודים במרד, נחמו לאביו כל בניו ובנותיו.
 30 להתנחם, כי לא בישרה אותו רוח הקודש במותו²⁸ גם אני נחמותי
 31 על אחי ועל מותם ואדע כי לא אוסיף עוד ראותם. סוד אחיו
 32 לא גילה בכתב כי הישביעוהו ורמו להם כמה פעמים ולא...
 33 גם אני מתי סודי נמו למכעיס: הקנאהו ולא זכרו החסד!
 34 עמדו בפניו יראים פחדים בשלום, והחזיר כספם לסקים ואני
 35 לקחו כספי ונמו: אנו מנוקים, עד ידון דיני רואה דמעת
 36 העשוקים. פיו כפתח וגם: „אני אחיכם יוסף? לי” ולא יכלו ענימו
 37 כי חימה נגעה בהם וחלו.^{28a} גם אני אויבי כשמעו ביאת ההגמן

²⁵ Gen. 37. 20.²⁶ Gen. 37. 7.^{26a} See Genesis Rabba, ch. 87.²⁷ Gen. 39. 20.²⁸ See Genesis Rabba, ch. 84; Mas. Soferim, ch. 21.^{28a} See Genesis Rabba, ch. 93.

- 38 נתחלחלו ונמו: „סקלו וגם סולו“. צוֹם לשאת את אביו וכל אנשי
 39 ביתו כדי שתחיה רוחו בראותו, כן יעשה עם עבדו בן אמתו
 40 יתן את תחת כפות רגליו וישלם להם בטובתו. קולו שמוע
 41 בביאת אביו ואחיו ויפלו לפניו כעבדים.
 42 איש שחובו אשר חב, כן יפלו לפני אויבי וחסרונן כיס ושרב ואחים . .
 43 עליהם כאוהבי אוהב. רֹאֵן פניך^{28b} גם ישר לבן פורת ויספר לו כל
 44 שקראוהו וצרותיו. כן ינחם נפשי על שְׁשָׁתִית . . . וישמיני כאב
 45 אשר עמו בבית כרות. שְׁבַע עִטְרָה יִשְׁנָה שֵׁב יַעֲקֹב בְּנֵעִימִים
 46 בַּמִּצְרִים מְגֻדֵּל וּמִשׁוּכָּה בַּצְהָרִים כֵּן יַעֲשֶׂה עִם עַבְדּוֹ בֶּן
 47 אִמּוֹ (אֲבִרָהֶם הַכֹּהֵן שְׁחָרִים לֵהָן אֶגֶן הַסֶּהֶר)
 48 הַיּוֹם שִׁשְׁבַּתִּי לְבֵית קְבוּצִים. תָּמָּה יִשְׁעֵתִי
 49 תִּצְמִיחַ נְאוּלָתִי
 50 וּתְרַאֲהוּ אוֹיְבֵתִי כִי נִפְלָתִי כִי קָמְתִי כִי אֵז

IV

- 1 אֲזֹכֹר וְאֲזִכִּירָה מִרִּירַת יוֹם זֶה וְאִשֶּׁר הִבִּיאוּ עָלַי עֲוֹנוֹתַי
 2 אַחֲזָה, הַשְּׁגוֹנִי לְכַדְנִי אוֹתִי לְבוֹה עֲנִיתִי וְקִמּוֹ
 3 נִפְשִׁי וְנִמְתִּי: הַכֹּזֶה יִקְבֹּל צוֹר שׁוֹאֵלוֹ וּמִשְׁמָן בִּשֶׁר צָרִיו
 4 יִבְרָה. בְּכַסְלוֹ בַּחֲמִישָׁה עֶשֶׂר (בּוֹ) הוֹשִׁלְכֵתִי לְבֵית כֹּלֵא לֵלֵא אִמַּת
 5 אֲזִי חֲמֵס מַעֲלָה עַד יִשְׁקֹף בְּרַחֲמִין עוֹשֶׂר פֶּלֶא וִיגִנִּי
 6 וִיִּצְלָנִי בִּזְכוֹת שְׁאִמֵּר לוֹ אַחֵר הַדְּרָבִים כֹּאֵלָה²⁹ בְּאִי [מִנֵּן אֲבִרָהֶם]
 7 [עוֹרָף] הִפְכוּ אוֹהֲבֵי שׁוֹנֵא וְקָם בְּפָנַי אוֹתוֹ (?) יַעֲנֶה (?) הַפֶּסֶד
 8 כִּסְפִי 9 כֹּל לֹא חָם עַל כְּבוֹדִי בִּיד מִקְנֵא
 10 וְנִתְתִּי בִיד מִשְׁנֵה וְנִמְתִּי לֹא אִירָא רַע (?) נָאֻם תַּחֲנָה
 11 בְּכַסְלוֹ [בַּחֲמִישָׁה עֶשֶׂר] בּוֹ הוֹשִׁלְכֵתִי לְבֵית כֹּלֵא לֵלֵא אִמַּת
 12 [אֲזִי חֲמֵס מַעֲלָה] עַד יִשְׁקֹף בְּרַחֲמִין עוֹשֶׂה פֶּלֶא יַחִיהַ רֹחִי
 13 וְעָקֵר וְהוֹשֵׁם עֵתִידָה לַעֲם אֵלֶּה בְּאִי מַחִיהַ הַמֵּתִים.

^{28b} Gen. 48. 11.²⁹ Gen. 22. 1.

- 14 את אשר גזר עלי הראני³⁰ ואשר יקראני יום יום צורת
 15 כיפה הראני בזה המקום . ואירא ואפחד ואנזור . . . צום נחמתי
 16 נפשי באומר רעה זאת . . . המשכיל
 17 בעת ההיא ידום , בכסלו בחמשה עשר בו הושלכתי לבית כלא ללא אמת.
 18 אזי חמס מעלה עד י"סקיף ברחמין עושה פלא שכפר עם קדושין
 19 בזכות נם לבן מר אלה . בא"י האל הקדוש, כי זכרתי החובשת
 20 יוסף³¹ וכל הצדיקים ואשר עשו בו קרובים ולא רחוקים אם כן
 21 מעש מנוקים.
 22 תקום ותקעצם בסלעים ובנזקים, בכסלו בח"ע הושלכתי לבית
 23 כלא עד יחנני דעה בצדק(?)ם נם : סלח נא ועם אלה בא"י חונן הדעת.
 24 אזכרה גבורת יונים ואשר . . . והאבירום חשמונים . . כן
 25 ינקום נקמת כהנים מיד
 26 . . . ואמר גמלו רעה [תחת]
 27 טובה . . . של בנים ישללו ביד עבדים מנוצים ונתקונן
 28 עליהם „הוי השאננים!“ בכסליו בח"ע הושלכתי לבית כלא
 29 עד יקבל תשובתי בזכות [ריח?] קטרת ויכפר על עם אלה
 30 בא"י הרוצה בתשובה . מקודם היתה צרתי, ומשל יוני התחילה
 31 רעתי, כי ריעות זרים אהבתי, ודברי אבות השלכתי,
 32 ועל מאמרם עברתי, ואויביהם ושונאיהם עזרתי, וכן בידם
 33 נמסרתי, בכסלו בח"ע בו הושלכתי לבית כלא עד ויסלח לעוני
 34 בזכות הישיב חימה מעם אלה בא"י המרבה לסלוח . . .
 35 . . לאבות עם בנים תקים, עשה משפט לעשוקים
 36 מעניי(?) ותציל מיד דולקים, אשר עברו על מצות וחוקים,
 37 ריבה ריבי ולכוד . . . במינים, שאיר להן
 38 . . . ומקים . בכסלו בח"ע הושלכתי לבית כלא
 39 עמו יצילך, העמיד חימה לעם אלה בא"י נאל ישראל, והגיתי
 40 בן מכאובי . . . לך כיונה ומרומם בני עוננה כי
 41 ולא פחדו מאל קנא אמרו ראשונים נמו בפילול משנה

³⁰ See III, 5 ff.
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³¹ Allusion to the third poem and to the writer's name.

- לבנים 42
- 43 וצעקתי: „אל נא רפא נא!“ בכסלו בח״ע הושלכתי לבית כלא . . . וישלח
- 44 בזכות . . . בעם אלה באי רופא חולי עמו ישראל. בכל[יום]
- 45 נברך צורינו, ד' יהא נועמך עלינו יבושו ויחפרו [חושבי?]
- 46 תדרף באף הקמים
- 47 קור נשם וברכות תהיה לנו. בכסלו בח״ע הושלכתי לבית כלא.
- 48 שנותים בזכות גם ענו בי נגדי כל עם אלה באי [מברך השנים] דברך
- 49 . . . אשר עשיתם עם אבותי תעשה עם בנים, כי היו הראשונים
- 50 קול איים ונענים ועתר בבכי ותחנונים. כי אתה שומע אנקת
- 51 אסירים, תקרא דרור ותציל מזידונים, אשר בקשו לשפוך דם
- 52 אביונים, בכסלו בח״ע הושלכתי לבית כלא ויקבץ פוזרינו בזכות
- 53 . . . מעם אלה באי מקבץ נדחי עמו ישראל. ובעלילתך
- 54 ידע לבבי כי אתה הבאת כאבי, שבור זרוע מכאובי אשר
- 55 בעזרת מרעים סבבי השטום שטומת זקני מאבי ותצדקני
- 56 . . . ויבולע חום . . . בכסלו בח״ע הושלכתי לבית
- 57 כלא צדקי בצדקו גם תחי ירך בי ולא בעם אלה באי
- 58 אוהב המשפט. אישיחה במר נפשי בהשתמף עלי נפשו הטילו (אותי)
- 59 בית חבושי וישיבתי עם כל רע ומקש. כנים עלו עלי
- 60 . . . עד ותזנח משלום נפשי כי עדת מרעים יקמו
- 61 ופרשו רשת לרגלי כתב ערב הוציאו אלי בשביל מאות
- 62 וארבעים דהננים כתוב עלי לקחת רוח ולשלול ישלל
- 63 וידעו הכל שהוא בגלל
- 64 בזכות . . . בית זבול לעם אלה באי מכניע זדים. הייתי
- 65 עוזר . . . וגל צרה וצוקה. מציל קהלתי מדיני אל. והתיר
- 66 . . . קרא דרור . . . ועם צדיקים יהא עמלי, שלם חובי ואני
- 67 למולי וידעו הכל, כי אתה עוזר, בכסלו בח״ע
- 68 הושלכתי לבית כלא ויהי לי . . . (ל)עם
- 69 האלה באי משען ומבטח

- 70 לצדיקים . ט[ושיע ?] לדל בצר ומהיכלו ישמע קולו
 71 לצורך בפעלו להשמיר גנו וחילו חטאת הורתו
 72 ואל יהי לו חלק בבנין זבולו . בכסלו בחַע ויזכני.
 73 בזכותם ויהי נא פי שנים עם (עם ?) אלה באִי (מגן) דוד.
 74 לִי תקרא דרור, כי עלי הכנים הקור וזכות [אבות]
 75 לִי תזכור, וחמסך עבור העבור, שמע תפלתי ותפלתו
 76 תסתור, תנעול מעליו שערי רחמים ותסתום . בכסלו בִּי־בו
 77 הושלכתי לבית כלא וישמע תפלתי שומע תפלה . בצדק
 78 העיד שמים וארץ בעם אלה באִי שומע תפלה . מנוס מצאתיך צורי בה
 79 בהבטיחי עֲלֶיךָ בעת (צרתי ?) בזכות הררי קדם אשוע אל תסתיר
 80 ואל תאריך אפך, כי אתה אל (שלח ?) למכתי צרי ולעבודת
 81 ביתך תזכני כי היא עברי . בכסלו בחַע לבית כלא הושלכתי
 82 ותחזיר עבודה.
 83 לביתך בצדק הוכיח לעם אלה באִי שאותך ביראה נעבוד
 84 יום מנעני מלשבות בביתי ונתאכזר ורצ[ת]י אל בית המערבי
 85 השונא וחזר ועברה שבתי בלא אכילה ושתייה בבית משמר
 86 גלה רעתו ודינו יגמר וכי יפר מעשיו כי חולל בריתו ולאשמו
 87 ובטוב עמו לא יראה ובכל הנאמר . בנסלו בטו הושלכתי לב־כלא
 88 ויטיב לִי מטובו בצדק צורת הבית ראה והגיד לעם אלה
 89 באִי הטוב לך ולהודות . כי צר לִי מאוד מרעות אשר ראיתי
 90 ורוב צרות ללא מניתי אברך האל מכל נשמתי [ו]חיי
 91 אמרנו אחי ואיו נדנתי ובשלום ובכפרה אבוא אל בית קבורתי
 92 ותקבר בשלום ושאר עמו חוץ מן דיני

POSTSCRIPT.—Since writing this article I have found some more unknown material for the earliest history of the Geonim in Palestine, which will be published in the fourth number of vol. LXVII of the *Zeitschrift der Deutschen*

Morgenländischen Gesellschaft. Besides the new material the name of Abraham is to be found in the Memorial-List published by J. Greenstone in this REVIEW, N. S., vol. I, p. 45 ff., and Marx, *ibid.*, p. 67 ff. I shall deal with Abraham ben Josef Hakohen in an article sent to the *Revue des Études Juives* in Paris. There are further new Memorial-Lists in the possession of Mr. Adler, which will give us some new particulars about the descendants of Abraham Hakohen and answer the question asked by the scholars, why the children of Abraham Hakohen did not follow in the dignity of their father, and why the children of Abraham's brother (?) Judah secured the leadership of the academy in Jerusalem. At any rate our publication has furnished new material for the history of the Gaonate in Palestine (see also Poznański, *REJ.*, 48, p. 283).

AHAD HA-'AM'S ESSAYS

על פרשת דרכים . קובץ מאמרים מאת אחד העם . חלק רביעי הוצאת
חברת 'אחיאסף' בווארשא . ברלין תרע"ג . 8°. pp. 247.

Selected Essays by Ahad Ha'am. Translated from the Hebrew
by LEON SIMON. Philadelphia: JEWISH PUBLICATION
SOCIETY OF AMERICA, 1912. pp. 347. 8°.

Ahad-Haam. Am Scheidewege. Erster Band. Aus dem Hebräi-
schen von ISRAEL FRIEDLAENDER. Zweite verbesserte und
vermehrte Auflage. Berlin: JÜDISCHER VERLAG, 1913.
viii + 271. 8°.

The three publications just indicated by title strikingly illustrate Ahad Ha'am's unique position in the world of Hebrew letters. His collected writings which merely reproduce essays, published, read and discussed previously, are yet read, or rather re-read, with undiminished eagerness by a constantly growing public. But A. H.'s influence is by no means limited to the Hebrew reading world. He is the only modern Jewish writer whose words find an echo in the whole Jewish Diaspora and penetrate the mysterious and impenetrable boundary which divides Jewry into East and West. It is significant that the first German translation, as well as the first English translation, of a neo-Hebraic work is connected with the name of Ahad Ha'am, and he who carefully observes public Jewish life in its practical manifestations will not fail to detect the powerful though silent share of A. H.'s ideas in the shaping of Jewish reality.

This exceptional character of A. H.'s literary activity cannot be accounted for by mere literary merits, greatly and justly admired as they are. The secret of A. H.'s appeal to the Jews all over the world lies, so it seems to us, in the fact that his formulation

of the Jewish problem is such as to appeal to universal Israel. For the Jewish problem had in modern times been always formulated and handled as a problem of *Jews*, and the problem of Jews, depending on external divisions, was, indeed, radically different in the East and in the West; all that one section had a right to expect of the other was sympathy, at most charity. But A. H.'s formulation of the Jewish problem as a problem of *Judaism*, as the supreme question of our spiritual existence, points out the danger which threatens all Jews alike and appeals to the highest aspirations which lie hidden in the heart of every thinking Jew. No wonder therefore that the formulation of the Jewish problem as a problem of the Jewish spirit, or, as we say nowadays, of Jewish culture, possesses an irresistible attraction for all Jews, irrespective of origin and affiliations, and is now disseminated, as seen by the above publications, through the medium of the three languages which practically monopolize the higher literary output of Jewry.

The fourth volume of Ahad Ha'am's essays is largely made up of reproductions from the *Hashiloah*, still the most representative Hebrew publication, and to a lesser extent from other periodicals. The only new contribution consists in extracts from papers and letters bearing on the history of the order *Benê Mōshē* which at one time played an important, though silent, part in the development of the Palestinian movement. The volume concludes with a brief but helpful analysis of the essays contained in all the four volumes. It may be added that several of the essays in the fourth volume were translated into English shortly after their first publication.

As might well be expected, the bulk of the volume is devoted to the Zionist movement in the large sense in which the author interprets it. But even those who stand outside the movement will read with keen interest his article on 'National Education', or his powerful, though cautious indictment of the Gymnasium in Jaffa. Those who admire Ahad Ha'am the man will find a reflection of his two-sided personality, cool, searching, implacable, yet loving, reverent and benign, in the beautiful,

analysing, yet touching necrologues on Lilienblum and Lewinsky. His article on the Russian revolution (p. 103) with its implacable logic and sharp-edged sarcasm will be read to-day, after his prophecy has become reality, with undiminished, if not heightened interest. His article on 'The Question mark of Judaism' indicates that A. H. is a keen observer of Jewish conditions in America. His short essay on 'Impudence' (p. 87), which clothes serious thoughts in a graceful and even playful form, shows A. H. as the master of the essay. The emphasis, however, of the present volume lies no doubt on the two articles that stand at its head: 'The Sovereignty of Reason' and 'Between two Stools'. By their subject-matter they are also the most interesting to the readers of this REVIEW.

'Between two Stools' indicates the attitude of those Jews who waver between Judaism and Christianity. The article is clothed in the form of a criticism of Claude Montefiore's *Commentary on the Gospels*,¹ and gives A. H. the opportunity to examine the cardinal differences between Judaism and Christianity. His analysis of the fundamental principles of Jewish ethics as contrasted with Christian ethics is probably the best and profoundest contribution to this momentous subject. The 'impersonal' character of Judaism and Jewish ethics, the refusal to accept a human being as the embodiment of the ideal, the definition of 'altruism' as 'inverse egotism', the objectiveness of the Jewish ideal of justice against the subjectiveness of the Christian conception of love, all these and many more thoughts, scattered throughout this brilliant study and uttered with an exquisite beauty and lucidity of expression, show what a rich harvest this great and difficult subject may yield when handled by a master.

His essay on 'The Sovereignty of Reason', which offers an analysis of the life-work of Maimonides and was called forth by his 700th anniversary, reaches even more directly into the domain of Jewish Science. By his vast erudition which extends over all branches of Jewish literature, by his wide historic out-

¹ An English translation of this article by Leon Simon appeared in the *Jewish Review*, London, September, 1910.

look, by his wonderfully balanced judgement Ahad Ha'am seems eminently fit to handle the tasks presented by Jewish Science. Surely the man who is able to interpret the present in the light of the past ought to succeed in making the past intelligible to the present. But A. H. has always fought shy of this province, and his essay on Maimonides remains the only attempt in this direction, an attempt which merely sharpens the edge of our regret by revealing possibilities which are consciously neglected. It is no exaggeration to say that the study on Maimonides is one of the most brilliant achievements of Ahad Ha'am's pen. All the great characteristics of his mind and style are shown to their best advantage in the treatment of a theme which has evidently been not only the object of close study but also of deep, one might say, affectionate interest. It is difficult to say what is more to be admired: the complete mastery over the material, the profound grasp of Maimonides's metaphysical doctrines, the original conception of the underlying principles of Maimonides's system of ethics, the subtle psychological inquiry into the connexion between the life and system of his hero, or the crystal-like, one is tempted to say, Maimonides-like lucidity with which a subject accessible but to few is made intelligible and even palatable to the ordinary Hebrew reader.

Though this is not the place for polemics, yet it is only fair to state that, with all our appreciation of the superior merits of Ahad Ha'am's essay, we cannot agree to its fundamental thesis. The greatest achievement of Maimonides lies, as A. H. indicates by the title, in the fact that he proclaimed the 'Sovereignty of Reason', that in a period, in which reason was made subservient to religion, he had the courage to make religion subservient to reason and to free the latter from all external authority. But this construction ascribes motives to Maimonides which are essentially modern and therefore an anachronism. To be sure, Maimonides believed in the sovereignty of reason, not, however, 'because religion is not above reason, but beneath it', but because religion is *identical* with reason. Maimonides at no time doubted and on many occasions emphatically acknowledged the divine

origin of the Pentateuch in the strictest sense of the word. This whole-hearted unquestioning acceptance, by a man of Maimonides's critical turn of mind, of a dogma which to-day is the first target of theological scepticism, is in itself characteristic of the period and its scholastic way of thinking to which Maimonides paid his tribute no less than the great Mohammedan philosophers, Alfārābī, Avicenna, or Averroes. However this may be, the belief, logically pursued, means not the sovereignty of reason, but the sovereignty of the divine. That Maimonides was far more radical and far more successful in his rationalism than his predecessors is more the result of his pedagogic outlook upon the Bible which enabled him to see in the Scriptures a popular manual of philosophy,² and still more so of his marvellous exegetic skill which made the Bible yield Aristotelian truths. Maimonides was ready to sacrifice what he considers the outer meaning of the Scriptures to the results of philosophy, but what his attitude would have been, if the utter incompatibility between Bible and Aristotle had been conclusively demonstrated to him, is difficult to say. Fortunately for him this incompatibility was not and could not be demonstrated. At any rate, it does not seem to us admissible to make Maimonides responsible for a conception which lay completely beyond the horizon of his period.

The English translation of Ahad Ha-'am offers a selection of essays culled from the three Hebrew volumes which had heretofore appeared. The essays chosen are of a more general and philosophic character, while those of a more decided publicistic tendency, particularly the articles containing A. H.'s criticism of Political Zionism were eliminated. The wisdom of this principle of selection is apparent, for it would have been purposeless to offer the criticism of a movement to a public to which the movement itself is little more than a name. The English translation,—and only

² I have dealt with this particular aspect of Maimonides's ideas in my article 'Maimonides as an Exegete' (*Annual of the Union of Literary Societies*, London, 1907).

he who has tried the experiment knows the difficulty of rendering Ahad Ha'am's clear-cut and idiomatic Hebrew into another language,—is an excellent piece of work. It is true to the language of the original and to the character of its own language,—no higher compliment can be paid to any translation. In some places the translation is too literal, at least for my taste. I have examined only a part of the volume, but I have found the following unnecessarily literal renderings: p. 42, l. 16, 'in the days when the temple stood'; p. 60, l. 16, 'like a stone which none has turned'; p. 77, l. 1, 'the destruction of the House [of God].' It is regrettable that the translator has been so sparing with his notes. The biblical verses which are known, of course, to the Hebrew public, should have been indicated in the translation; as they stand, they must be bewildering to the English reader. On the other hand, a note like the one on p. 45 which merely explains a Hebrew idiom of Ahad Ha'am, such as could easily have been rendered by a corresponding English phrase, spoils the effect of that beautiful little essay. P. 64, note 1, gives a misleading definition of Haskalah. 'The application of modern methods of research to Hebrew literature and Jewish history' is not exactly characteristic of the Haskalah, but rather of Jewish Science which is defined on p. 65, n. 1 (where, however, 'problems' ought to be stricken out). P. 75, n. 1, is a misunderstanding. The verse is a quotation from Jeremiah 27. 5. In conclusion I should like to point out a sin of omission which is of a more serious character. Mr. Simon has prefaced the volume by a thoughtful introduction in which he indicates his conception of Ahad Ha'am's philosophy, but he has failed to provide to readers, many of whom will hear Ahad Ha'am's name for the first time, with any biographical or bibliographical data. This is the more regrettable, as this is the first English book to be translated from modern Hebrew, and I should not wonder if many a reader even failed to recognize that Ahad Ha'am is a contemporary. It is to be hoped that a second edition may give Mr. Simon an opportunity to adopt the improvements suggested above.

The third publication may finally be mentioned as an indication of the constant spread of Ahad Ha'am's influence. The German edition of Ahad Ha'am is one of the few Jewish books in German which have lived to see a second edition. Ahad Ha'am's essays have evidently taken a deep hold on a certain section of German Jewry, particularly among the academic youth. I am informed that the Jewish student societies in Germany make the admission and promotion of their members—the Jewish societies follow the system of the *Burschenschaften*—dependent on the study of A. H.'s writings. The German translation differs in its make-up from the English. It limits itself to selections from the first Hebrew volume, except for the last essay on Nietzsche (from the second Hebrew volume) which was added in the new edition. The essays selected are mainly of a publicistic character bearing largely on the Palestinian movement, for the Jewish public in Germany is far better acquainted with that movement than it is in England or America. An introduction supplies the necessary biographical and bibliographical data and offers a short analysis of the principal ideas of Ahad Ha'am. The second edition has been carefully revised by the translator in conjunction with the author.

The *Jüdischer Verlag* promises the publication of a second volume of A. H.'s essays which is in the course of preparation by a different translator.

MITTWOCH'S ISLAMIC LITURGY AND CULT

Zur Entstehungsgeschichte des islamischen Gebets und Kultus.

By Prof. Dr. EUGEN MITTWOCH. [Reprint from *Abhandlungen der Königl. preussischen Akademie der Wissenschaften.*]

Berlin, 1913, pp. 42. 4^o.

The above treatise anticipates a larger work by the same author which is to deal with 'the influence of Judaism upon the law of Islam in all its branches'. It limits itself to an examination of the Mohammedan cult and liturgy and endeavours to fix

the share of Judaism in the genesis of this vital province of Mohammedanism. Stray facts illustrating the influence of Judaism in this particular direction have been pointed out by others. Professor Mittwoch, however, has gathered the material, both Jewish and Mohammedan, systematically, and has subjected it to a searching analysis. Many points of contact observed or ingeniously conjectured by our author are as obvious as they are surprising. Thus the Mohammedan prescriptions regarding bodily purity as a condition for prayer closely resemble those of Judaism, and the author is right in supposing that these precepts, which have gradually come into disuse in Judaism, must still have been observed by the Jews of Arabia (p. 14). The ablutions preceding prayer, which are so characteristic a feature of the Mohammedan ritual, no doubt go back to Jewish models, and one has only to read Lane's description of the implements for ablution (*Manners and Customs of the Modern Egyptians*, Ch. III) to be vividly reminded of Jewish parallels. The requirement of the *niyya*, the concentration, verbally the 'intention', during prayer, corresponds both in conception and term to the Talmudic precept regarding *Kawwāna* (p. 16), while, it may be added, the expression of this intention in a definite formula has, at least, its parallel in a similar practice of Judaism.¹ The *Kibla*, the direction in prayer, originally towards Jerusalem, subsequently towards Mecca, is universally recognized as an adaptation from Judaism, and it may be added, as an interesting illustration of the mutual character of the relationship between the two religions, that the Jewish-Arabic writers designate in turn the *Mizrah* of the synagogue by that Mohammedan term. The Jewish practice of standing at the wall during prayer, and the further precept that no separating object be placed between the wall and the praying person, have been taken over by Islam (p. 15). The term *Ṣalāt* (originally

¹ The formula *הנני מוכן* or *הריני מוכן*, which is still widely used, originated in the Kabbalistic circle in Palestine in the sixteenth to seventeenth century. Comp. A. Berliner, *Randbemerkungen zum täglichen Gebetbuch*, I, p. 36. As the environment was Mohammedan, the formula may well have been borrowed from Islam or influenced by it.

ṣalāt) from Aramaic צלותא was borrowed, as Professor Mittwoch rightly points out (p. 6), not from the Christians but, like other Aramaic terms, from the Jews of Arabia and was employed, as the author ingeniously conjectures, not only in the general sense of prayer, but also, corresponding to the Talmudic designation of the *Shmoneh Esrēh* as צלותא (or תפלה), in the specific meaning of the essential part of the Mohammedan service, in distinction from its less essential portions. The *Kiyām*, or the standing recitation of the *Ṣalāt*, and particularly the expression *aḵāma aṣ-ṣalāt*, 'to make the prayers stand up', in the sense of 'reciting the prayers', strikingly resembles the Jewish practice of standing during the *Shmoneh Esrēh* and the designation of the latter as 'Amidah (p. 16), a resemblance which is the more interesting since the other gestures of prayer prevalent in Islam (particularly kneeling and bowing, see later) might have naturally suggested a different term. The *Kirā'a*, the recitation of the Koran, which is an essential part of the *Ṣalāt*, is convincingly identified with קריאת שמע, and a trace of its original limitation to two daily prayers, as in Judaism, is subtly detected by the author (p. 17). The *Salām*, 'the greeting' at the end of the Mohammedan liturgy closely corresponds to the ברכה השלום and, just as in Judaism, is repeated twice (עושה שלום and שים שלום), the second time, in exact accord with the Jewish practice, inaudibly and with the same movements of the head towards the right and the left (p. 18). Thus the influence of Judaism upon the Mohammedan ritual, not only in its general outlines but also in its specific details, is raised by Professor Mittwoch to indisputable certainty.

It seems to me, however, that Professor Mittwoch goes somewhat too far in the application of his theory. Having once established by an array of interesting, sometimes striking illustrations, the importance of Judaism in the development of the Mohammedan cult, the author concludes that everything in this particular domain of Islam must be derived from the same source. But such a conclusion is entirely unwarranted. In the first place, Professor Mittwoch himself will surely not deny that a parallel, however close and striking, does not always imply borrowing,

but may be the result of similar historic conditions. Thus the author endeavours to prove (pp. 31, 35) that the Mohammedan precept which limits the holding of the *Ṣalāt al-jum'a*, the public Friday service, in a *miṣr* or municipality is derived from the opinion of R. Eleazar ben 'Azariah (Mishnah, *Berakot*, IV, 7) that the *Musaf* service be only held *בחדר עיר*. But the rise of the *amṣār* from military camps and the rôle of the public service in Islam as a disciplinary factor, and as a manifestation of communal and even political life, fully and naturally account for the condition attaching to the Friday service. In a similar manner, Professor Mittwoch connects the Mohammedan custom of holding the holiday services, in distinction from the Friday services, on the *muṣallā*, an open place before the mosque, with the Jewish practice mentioned in the Mishnah of holding the services on fast days (on the occasion of drought), on the street (p. 34). But, apart from the incongruity between festivals and fast days, in both cases the greater attendance to be expected on such occasions makes the use of an open place, particularly in the East, perfectly intelligible, and similarly the larger number of benedictions required on these occasions both by Judaism and Islam are fully accounted for by the solemnity of the ceremony. A striking illustration of a coincidence without any historic connexion is, in my opinion, the *raf' al-yadain*, 'the raising of the hands' (p. 18), a supplication recited with raised hands at the end of the obligatory prayers. The term corresponds verbally to *נשיאת כפים*, yet has nothing to do with it. It differs essentially from the Jewish ceremony, first in its application, for in Islam it is neither a priestly function nor has it the character of a blessing, but is rather a supplication, and is the duty of every praying person. It further differs in its external form, for in Islam the palms are *drawn together* and lifted *towards* the face. It is evidently one of the numerous ancient gestures of prayer preserved in the Mohammedan ritual and differs from the biblical gesture, which, as indicated by the verb *פרש* generally applied to it, consisted in stretching out the palms.

Again it seems to us that in his attempt to prove the complete

and systematic derivation of the Mohammedan ritual from Judaism Professor Mittwoch does not take sufficiently into account that, judging *a priori*, it is scarcely conceivable that the religion of Islam which teaches as a cardinal doctrine the abrogation of Judaism and Christianity could adopt from either systematically and, hence, consciously a whole set of practices or liturgies. An examination of the legendary and, what was originally identical, the historic material of the sacred literature which Islam borrowed from Judaism shows the extensive, sometimes completely obliterating modifications which have taken place in the course of transmission, and it is only natural that in the case of concrete institutions which have to adapt themselves to stubborn reality such modifications should even be more extensive.

Another factor to which Professor Mittwoch does not pay sufficient attention is the influence of Christianity. We need not accept Wellhausen's dictum that Islam owes the dough to Judaism and the leaven to Christianity. Nor need we agree to the clear-cut formula of Professor Becker, who in his highly interesting study of the same subject,² distributes Jewish, Christian, and Persian influences respectively over the three periods marked by the life of the prophet, the Omayyad and the Abbassid rule. But without going to the extreme, the probability of Christian influence on the Mohammedan cult must be admitted *a priori*. For the outstanding, unrivalled importance which is assigned to prayer in Islam, the fundamental character of the *Ṣalāt* as a system of kneeling and bowing,—it was just this aspect of the Mohammedan prayer which aroused the resentment of the free Arabs,—the very designation of the mosque as *masjid*, 'a place of prostration', the indisputable dependence of Mohammedan religious architecture on Christian models, all this clearly suggests Christian influence, in spite of isolated Jewish parallels which can be quoted and are quoted by Professor Mittwoch from Judaism.³

² *Zur Geschichte des islamischen Kultus. Der Islam*, 1912, p. 398.

³ The isolated Talmudic utterances about the importance of prayer (Mittwoch, *loc. cit.*, p. 5, note 6) cannot account for the much greater emphasis laid on prayer in Islam. According to the Talmudic conception, study is

To quote concrete examples, our author endeavours to derive the five daily prayers of Islam from the three Jewish prayers by assuming that the *Mincha* and the *Ma'rib* prayer have, on account of the latitude in the period of their recitation, been amplified in Islam into four prayers (p. 11 f.). But such an adaptation would presuppose not only an intimate study of the Jewish ritual but also a conscious tendency to adhere strictly to it, and such a tendency is highly improbable. If the frequently expressed view which draws upon the five prayers in Parsism be unacceptable, and if the assumption that Islam has simply endeavoured to increase the obligations of Judaism⁴ does not carry conviction, then one would rather feel inclined to derive, as indeed Professor Mittwoch himself faintly suggests (p. 13), from the five prayers on *Yom Kippur*. For from the purely psychological point of view it would appear natural that the services on the high holidays made a greater impression upon the Mohammedans and were in consequence better known to them than the services on other days, and there are some other indications in the same direction.⁵

Again, the public service on Friday is shown to be an exact copy of the Sabbath service (p. 27 ff.), and the *Mūsaf* prayer, the Pentateuch reading and the prophetic lesson, with their accompanying benedictions, the sitting down during the *Gelilah* and יקום פרקן, are drawn upon to explain the details of the Moham-

more important than prayer. The same applies to the prostrations in Judaism (p. 17 below). An isolated parallel to *masjid* is בית השתחווה in the *Fragments of a Zadokite Work*, ed. Schechter, comp. *ibid.*, p. xxv.

⁴ The legend according to which Moses advised Mohammed to reduce the number of prayers to less than five (comp. Goldziher, *Mohammedanische Studien*, I, 36) may, apart from its anti-Arabic tendency, also have a polemical tendency against the small number of prayers in Judaism.

⁵ The frequently quoted explanation of the institution of the *Adān*, the call to prayer, as a conscious departure from the Christian knocker and the Jewish trumpet, seems to point to the Shofar on New Year, the function of which was misunderstood. Similarly the frequent prostrations on *Yom Kippur* (partly on *Rosh Hashana*) may have served as a contributory cause to impress upon the Mohammedans the form of prostration as an essential feature of prayer.

medan ritual. Fascinating and brilliant as the whole hypothesis is, it arouses our suspicion by the very extent of imitation it presupposes, an imitation which would only be intelligible if Islam had consciously set about to reproduce the Jewish liturgy. And indeed when, armed with this healthy scepticism, we approach the hypothesis closely, the resemblance loses much of its fascination. To take a specific example. The outstanding feature of the Friday service is the double sermon or *Khuṭba*, which is so arranged that the preacher sits down in the middle for a few moments of private devotion. The most important component parts of the *Khuṭba* are as follows: 'the praise of God' (*ḥamd allāh*) and 'the prayer for the Prophet' (*aṣ-ṣalāt alā'n-nabī*), the Koran recitation (*Kirā'a*), the 'recommendation of the fear of God' (*al-waṣīyya bi'l-takwā*), and the 'supplication for the Faithful' (*ad-du'ā li'l-mu'minīn*). The Koran recitation corresponds, according to Professor Mittwoch, to the reading of the Law, the 'recommendation of the fear of God' to the Haftārāh, 'the praise of God' and 'the prayer for the Prophet' to the benedictions accompanying these recitations, 'the supplication for the Faithful' to יְקוֹם פְּרִקֵּן, and the sitting down of the preacher to the sitting down during *Gelilah*. Yet on close examination we find that none of these points of contact is such as to carry full conviction. First of all, there is a radical and, on the assumption of historic connexion, scarcely explicable divergence in that in Judaism these various parts of the service are distributed over a number of persons, while in Islam they are limited to one. Then the Koran recitation consists only of a few Koran verses. The 'recommendation of the fear of God' is entirely different from the Haftārāh,—one only need compare the specimen of a *Khuṭba* reproduced by Lane (*Manners and Customs of the Modern Egyptians*, Ch. III). The sitting down during *Gelilah* is in setting and purpose fundamentally different from the sitting down of the preacher, and even the 'supplication for the Faithful' which offers the most convincing point of contact may be a natural coincidence.

How slippery such wholesale comparisons may be, can be

seen from the fact that Professor Becker in the article quoted above marshals a whole array of facts to show the complete dependence of the Mohammedan Friday ritual on the Christian Sunday service. Whether Becker's theory is true or nearer to truth can only be determined by one who is intimately acquainted with the form of Christian prayer such as prevailed in the period under consideration. The adaptation will scarcely have been as extensive and, above all, as systematic as Professor Becker is inclined to assume. But, if one may rely on what is rather a subjective impression in this domain of hypothesis, his derivation of the double *Khuṭba* from the corresponding scheme of the Christian service seems more natural than Professor Mittwoch's fascinating comparison. As in so many other cases, the truth will be found to lie midway. Islam did not consciously or systematically imitate Judaism or Christianity. It borrowed unconsciously, one might say, with childlike inconsistency, the elements it needed for its growth, often guided by externalities which catch the eye,—hence the imitation of minutiae which seems so surprising. Further investigation may show that the Mohammedan ritual is indebted alike to Jewish and Christian models and may also lay bare the transformation which these models have undergone in their adaptation to a new and in many respects radically different environment.

In the delicate and difficult domain of interreligious relationship agreement is often impossible, and subjective hypothesis is frequently called upon to supply the lack of objective facts. But whether we agree with all of Professor Mittwoch's theories, there is no doubt that he has greatly advanced the subject of his inquiry. Even where not tenable, his ideas suggest possibilities which will have to be borne in mind in all future investigations, and will ultimately bear rich fruit. The author is right in emphasizing, against recent denials, the fact that the influence of Judaism upon Islam was by no means limited to the time of the Prophet, but was of great importance—I would say, of much greater importance,—during the subsequent period of the development and consolidation of Mohammedan law (p. 42). 'To illustrate this,

as if by a paradigm, by the theory of the Mohammedan prayer and cult,' was, as the author tells us (*ibid.*), the purpose of his book. This purpose Professor Mittwoch has fully achieved. His treatise has whetted our appetite for the larger project which is to embrace the whole province of Mohammedan law, and every one who is interested in the important and attractive borderland in which Judaism and Islam meet or a mutual exchange of goods will look forward with keen anticipation to the promised publication.

ISRAEL FRIEDLAENDER.

Jewish Theological Seminary
of America.

AN EGYPTIAN DOCUMENT FOR THE HISTORY OF PALESTINE

QUITE recently, the Russian Government has issued a magnificent publication which for thirty years has been awaited most anxiously by scholars, viz. a part of the papyri of the museum in St. Petersburg,¹ containing some of the most precious texts for Egyptology, such as the famous story of the shipwrecked sailor, and another story of great literary and historical interest on which I do not yet feel able to report. By the side of these texts from the Middle Empire of Egypt (after 2000 B. C.) appears one of quite an unexpected character, of which nothing had been rumoured so far: Pap. 1116 A, *verso*. At first sight, this list of official accounts, dealing principally with payments in grain from the royal granaries, is very unattractive. After closer examination, however, it proves to contain a piece of great importance for the history of Palestine which I believe my duty to bring directly to the knowledge of Biblical students. It is a list of Palestinian ambassadors to whom rations in grain and beer were measured out from the governmental magazines, probably at Thebes.

This list appears twice in the papyrus; the variants of both versions and the apparent mistakes in the rendering of some geographical names prove that we have not the original report, but a somewhat hasty copy of it taken from a hieratic manuscript. Thus the names are, in the best case, second-hand tradition, and need some criticism. I transliterate the text in full.

¹ *Les papyrus hiératiques nos. 1115, 1116 A et 1116 B de l'Ermitage Impérial à St.-Petersbourg*, 1913. 8 pp., 28+4 plates, large fol. It has reached me through W. Golenisheff's kindness.

(Pl. 17, 67) Account of the grain furnished to the nobles (*ma-ra-y-na*) of Syria (*Ša-hi*).²

(68) The messenger of the foreign country of *Ma-k(e)-ti*
beer, jars (?) 3, of (?) (grain) measures . . .

(69) The messenger of *Kn* (emend *Ki*)-*n-na-ra-tu*, ditto

(70) „ „ *Y(a)-ka-si-pu*, „

(71) „ „ [*Ša*]-*ma-t*(?)*u-na*, „

(72) „ „ [*Ta*]-*a-na-ki* „

(73) „ „ [*Ru*]-*ša'â-ra*, „

(74) „ „ *Ti-n-ni*, „

(75) „ „ *S[a]-ru-na*, „

(76) „ „ *'(E)-s-ka-ru-na*, „

(77) „ „ *Hu-su*(!)-*ra*, „

(78) „ (?)³ „ *Ha-tu-ma*, „

Second List.

(Pl. 22, l. 183) Account of the grain . . .

(184) *Ha-ti-tu-ma* (determinative: foreign man!), beer, 1 jar:
grain, 7 measures (+ *x* + *y*?).

(185) [the messeng]er of *Ma-k(e)-ti*, 1 ditto, (grain) measure 1 (+ *x*).
Sa-ru-na, beer, one jar, measure 1 (+ *x*).

(186) ditto *K(e)-n-na-ra-tu*, 1 ditto (same)
'(E)-s-ka-ru-na, 1 (same).

(187) ditto *Y(a)-ka-si-pu*, 1 ditto (same).
Hu-su-ra 1 (same).

(188) ditto *Ša-ma-du*[-*na*], 1 ditto (same).

(189) ditto *Ta'-a-na*[-*ki*], 1 ditto (same).

(190) ditto *Ti-n-ni*.

² See the Egyptian passages on this name (= זיה; זיה?) *Asien und Europa*, where, on the statements of some inscriptions, I had narrowed its meaning to that of 'Phoenicia'. The name is largely used in a very vague sense, and may partly correspond to the Semitic Canaan, partly to Syria at large.

³ A bold abbreviation of the group for the often repeated word *wpwt*—'messenger', as I believe. The scribe thought probably he could take such a liberty at the end.

(At an isolated place, pl. 15, l. 2) 'Account of grain and beer for the messenger of *Ra-kī-ša*, daily 15, bushels (?) 10, which makes 'prince measures 20'.

I do not enter upon the metrological questions, which seem to me quite indifferent. Furthermore, the evident corruptions of the text make these questions here specially difficult. I limit myself to the geographical names.⁴ These are, following the arrangement of list 1:

Megiddo. The name stands first because of the very prominent part played by that city, not only during the first campaign of Thutmosis III. It had an important situation on the most direct road over the Carmel, connecting Palestine and Phoenicia. Thus also in the great Palestine list of Thutmosis III (*MVAG.*, XII (1907-8), no. 2.

K(e)nnaratu or *Kīnnaratu* is the Kinneroth of Naphtali. The Egyptian writing, agreeing closely with the *K(e)nnaratu* of the great list (no. 34), decides in a very remarkable way the pronunciation of the name which is rather uncertain in biblical and other tradition. Especially the ending *-u* is a clear indication of a long final syllable *-āt* or *-ōt*.

Y(a)-ka-si-pu seems to be the biblical Achshaph. The initial seems to be a corruption of the ordinary aleph-sign ('a) of the syllabic orthography; change of *aleph* and *yod* is otherwise impossible in Egyptian. The vocalization, indeed, is strange. It must not be used to connect the name with Achzib-Ecdippa, as *ṯ* is never *s* for the Egyptians. It might only be possible that we have above an erroneous assimilation of Achshaph and Achzib in the vocalization; the latter is, however, rarely a very reliable matter in the wild orthography of the Egyptians. The Palestine list writes '(E)-k-s(a?)p (no. 40) with an unusual syllabic sign

⁴ For the transliteration of foreign names in hieroglyphs see my remarks, *Asien und Europa*, p. 58, considerably corrected, *Mitteilungen der Vorderasiatischen Gesellschaft (MVAG.)*, XII, 1912, 237. I prefer to write, e.g., *Tu-ni-pa* for what, according to archaic Egyptian orthography, might be written also *Twnyp* 3, &c., in order to distinguish the 'syllabic' or 'vocalizing' orthography from the archaic style. (I write *i* for the two strokes, *ī* for the ordinary Egyptian *yod*, when used as a vowel.

which, after its most common Egyptian value (*söṣ*), ought to be *sap*.

Ša-ma-du-na is a very remarkable rendering of the name Shabbathōn. The *m*, where we should expect *b*, seems to have arisen from a very strongly-voiced pronunciation of the *bb*, as it leads in other cases to the dissimilation *mb* for *bb*. Ramses III writes the same name *Ša-bu-du-na*, 'Thutmosis III (73) *Ša-b-tu-na* (cp. *MVAG.*, XII, 23). I am not quite sure about the situation.⁵

Ta'anach is common; the ending appears as *ka* or *kī* in Egyptian renderings, as in cuneiform.

רֶאֱשִׁית [רָא] 'God's summit' is a new name, unless the city be identical with the important place mentioned three times by the Egyptians (*MVAG.*, I. c., 17), probably in Galilee, *Ru-ša-k(a)d-š(a)*, רֶאֱשִׁית קֹדֶשׁ 'holy summit'. Such a variant of the name is not altogether probable, I think.

Ti-n-ni (with a special *i* in the first syllable which ought to point to a long or diphthongic pronunciation) is a difficult problem. The strongest argument against the impossible comparison with Dan is the *nn*; also otherwise the two names are little similar. The uncommon initial syllable occurs in the great Palestine list (no. 98) only in the name *Ti-pu-nu* = Daibōn (in Judah?). It would not be impossible to see a graphic corruption of this name in *Tinni*; only it would then be necessary to consider that strange orthography *Ti-pu-nu* as constant, while we have *D(e)-b-nu* by its side (*MVAG.*, I. c., 38). Thus I leave the explanation open.

Saruna is the city *Šaruna* of the Amarna Tablets, *Sa-ru-na* of the Palestine list (21), the city which seems to have given its name to the biblical 'plain of Sharon'.

In the name of *Ashkelōn* the initial, which would point rather to an *E*- or *I*- than to the traditional *A*-, returns in other Egyptian passages, and seems, therefore, to deserve some attention.

⁵ Golenisheff advocates the reading *Ša-ma-ru-na* = Samaria. In hieratic texts, however, the combination *r + n*, instead of the syllabic sign *ru*, is very unusual and here quite improbable. Samaria is never mentioned by the Egyptians; it must have been an insignificant place before Omri.

In *Hu-su-ra* I see nothing but a corruption for *Hu-ṣau-ra*, which is the usual Egyptian orthography for the important city of Haṣōr (*ṣau* is a well-known combination = *ṣu*, because simple *ṣ* + *u* seems to be uncalligraphic). The signs *ṣa* and *su* are very similar in hieratic; otherwise it would be very difficult to furnish instances of Egyptian *s* = *ṣ*.

I cannot do anything with the last name, *Ha-tu-ma*. In the second copy of our text, it has been placed at the beginning of the list, totally disfigured by an erroneous doublet of the second radical (*ti* = *tu*), and is misunderstood as a personal name. The abnormal amount of grain rations in the second place makes me suspect that the name originally stood at the end of the list (as in the first instance, l. 78), and was followed by the sum total of the rations for the ten or eleven ambassadors. The strong disfigurement of the name makes such a thoughtless copying of the numbers quite possible. I do not think a city הַטִּם, הַתִּם can be found. I know nothing better than a bold emendation into the *Hu-ma* of the large geographical list (*MVAG.*, XII, 32, no. 118: the identity of this name with *Ha-m* of the list of King Shoshenk, l. c., 38, is not certain). I myself am not quite convinced of this emendation.

The principal importance of this list is that it gives us an idea of those cities which in the time of Thutmosis III,⁶ i. e. after 1500 B. C., were seats of kings. Only an independent king would deal directly with the suzerain in Egypt; chiefs under his rule had, of course, to communicate through the agency of the king; otherwise it would have been high treason for them, just as Pharaoh could not tolerate one of his vassals to write to Assyria or to the king of the Hittites. This selection of names agrees well with the enumeration of (royal!) cities in the great list quoted here so frequently, and with the Amarna tablets.

The Egyptian expression 'messenger' may mean the ordinary carrier of a letter, or the dignified ambassador possessing some

⁶ The papyrus is not dated, but W. Golenisheff gives good reasons for connecting it with a papyrus in the Louvre, written under Thutmosis III.

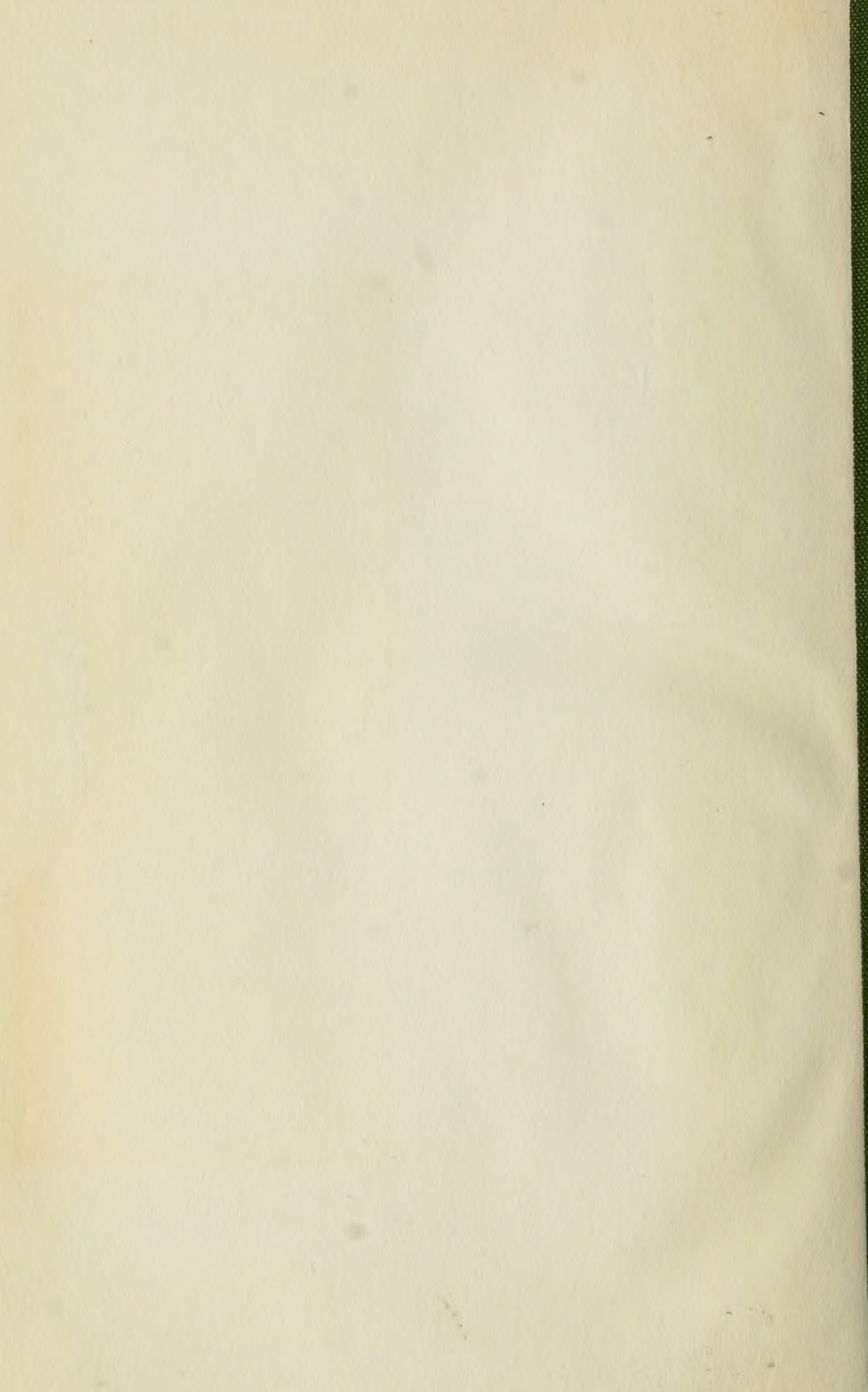
rank and power. The first list expressly calls them *marayna*⁷ 'noblemen', but this must not be understood too literally; Egyptian vanity may have included the simple letter-carriers. More remarkable is the fact that the Egyptian government paid for their maintenance. This would agree with their coming as bearers of tribute or in other important functions. I feel doubtful whether every bearer of a tablet to the Egyptian court could claim support from the Egyptian officials on the road or those at Pharaoh's residence. Thus those 'messengers' may have had a somewhat exceptional character. At any rate, they were hardly an accidental gathering. The selection of names gives us the impression that a small caravan was formed in Galilee to keep company on the unsafe roads of Palestine, and that it picked up a couple of similar 'messengers' like the one from Ashkelon. The Egyptian arrangement of the names in their enumeration is, of course, quite unsystematic.

The most important contribution to the history of Palestine is the isolated mention of a messenger from *Ra-kī-ša*, i.e. Lachish. So far, no Egyptian inscription or papyrus had mentioned this place; the Petersburg papyrus confirms that the city was then as important as later, in biblical times. I direct the attention of my readers to the remarkably good vocalization of the name by our Egyptian, agreeing absolutely with the cuneiform *Lakiša* and the tradition. In general, the orthography of the foreign names here is, notwithstanding the copyist's blunders mentioned above, better than the average, and confirms my contention that the caricatured imitation of cuneiform vocalization, which the Egyptians of that period employed for Asiatic names, sometimes yields useful information. Cp. above the remarks on *Kinnarōth*.

W. MAX MÜLLER.

University of Pennsylvania.

⁷ Vocalize *meryōn*, the Canaanitish מר', Arabic مرو', with the amplificative ending -ōn.



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